



City of Grand Island

Tuesday, August 13, 2013

Council Session

Item I-2

#2013-271 - Consideration of Legal Fee Contribution to Grand Island Chamber of Commerce

Staff Contact: Mayor Jay Vavricek

Council Agenda Memo

From: Mayor Jay Vavricek

Meeting: August 13, 2013

Subject: Legal Fee Contribution to Grand Island Chamber of Commerce

Item #'s: I-2

Presenter(s): Mayor Jay Vavricek

Background

The City of Grand Island, Hall County and the Grand Island Chamber of Commerce are all members of the Home for Our Heroes Committee. The purpose of this committee was to retain the Nebraska Veteran's Home in the City of Grand Island. After a submittal process and site tours, the State of Nebraska has decided to move the Veterans Home to Kearney, Nebraska.

Discussion

The Chamber of Commerce would like to hire the Husch Blackwell, LLP law firm from Omaha, Nebraska to evaluate all legal options available with the intent of retaining the Veteran's Home. Husch Blackwell, LLP is proposing a flat fee of \$30,000.00 to provide an evaluation of the governing statutes, regulations and processes.

The Chamber of Commerce is asking that the legal fees be paid by the City of Grand Island, Hall County, the Chamber of Commerce and the Grand Island Area Economic Development Corporation. The City's portion of the legal fees is \$10,000.00.

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve Resolution 2013-271 authorizing the City of Grand Island to pay \$10,000.00 to the Grand Island Chamber of Commerce for the legal fees of Husch Blackwell, LLP.

Sample Motion

Move to approve Resolution 2013-271.

August 8, 2013

Mayor and City Council
City of Grand Island
Post Office Box 1986
Grand Island, Nebraska 68802



Dear Mayor and Councilmembers:

Since the State announced its decision to recommend to the Federal government that the Grand Island Veteran's Home be relocated to Kearney, the GI Home for Heroes Committee has been working diligently to explore various alternatives that would represent the interests of Veterans by retaining the Home in Grand Island.

The Committee has concluded that there are a number of significant legal and regulatory considerations that support the retention of the Home in Grand Island. The Committee believes that these provisions can serve as the basis to affirm Grand Island's position in support of Veterans and their interest in preventing the relocation of the Home.

In order to properly represent this position and serve as an advocate for our Veterans, the Committee believes it is prudent to engage representation for legal services to undertake a thorough examination and full evaluation of the governing statutes, regulations, and processes.

The Committee has recommended that the firm of Husch Blackwell LLP be engaged at a cost of \$30,000. Since the GI Home for Our Heroes Committee is not a legal entity, the Chamber of Commerce will likely be the contracting entity (subject to Chamber Board approval on August 14, 2013). It should be noted that the Chamber is a not-for-profit member organization and is not subsidized by tax dollars. However, we do believe it is appropriate to research and analyze the community's options and have committed to providing the same administrative and management services moving forward as with the proposal process. The Committee has recommended that funding be as follows: County - \$10,000, City - \$10,000, Chamber of Commerce - \$5,000, and Grand Island Area Economic Development Corporation - \$5,000. The contract for legal services is contingent upon funding approval from the aforementioned partners.

If you have any questions, please do not hesitate to contact me.

The Grand Island Area
Chamber of Commerce

309 West Second Street
Post Office Box 1486
Grand Island, NE 68802-1486

Phone 308.382.9210

Fax 308.382.1154

www.gichamber.com

Sincerely,

Cindy K. Johnson
President

RESOLUTION 2013-40

WHEREAS, the people of Grand Island have a long standing history of support for the military and the service and sacrifice of veterans; and

WHEREAS, as evidenced from the many years of manufacturing munitions at the Former Cornhusker Army Ammunition Plant, home for the training of World War II B-29 Army Aviators, home for the Veteran's Administration Hospital and the Nebraska National Guard Aviation; and

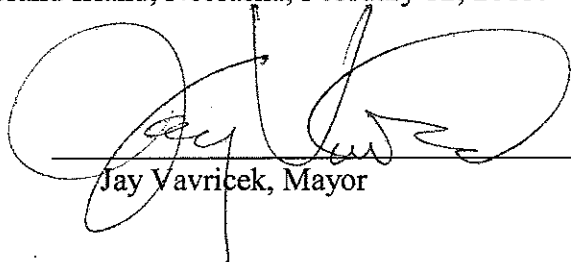
WHEREAS, as evidenced from 30,000 who attended the Vietnam Traveling Memorial Wall; the many Veteran's Day Breakfasts and Veteran's Day Parades; the ongoing services to veterans and their families by the Veteran's Service Office and the Red Cross Military Families; and the effort to support our troops by wearing red on Fridays , and

WHEREAS, as evidenced by the membership of the United Veterans Club, American Legion, Veterans of Foreign War, and Patriot Guard Riders; and

WHEREAS, the spirit sparked over 125 years ago that created the means for our community to be the home of the Soldiers and Sailors Home is alive today as evidenced by the services provided at the Grand Island Veteran's Home.


NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Grand Island can serve and appreciate veterans like no other Central Nebraska community and with the imminent promise to build a new Veterans Home in Central Nebraska, the City of Grand Island supports the team of volunteers working on a community proposal to continue its service to honor and care for veterans in its new facility in our community.

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


Jay Vavricek, Mayor

Attest:


RaNae Edwards, City Clerk

Approved as to Form	<input checked="" type="checkbox"/>	
February 11, 2013	<input checked="" type="checkbox"/>	City Attorney

RESOLUTION 2013-167

WHEREAS, on March 4, 1887 the Nebraska Legislature passed an Act for the establishment and maintenance of the Nebraska Soldiers' and Sailors' Home to be located in Grand Island; and

WHEREAS, that facility is now known as the Nebraska Veterans' Home and has been continuously located in Grand Island for more than 126 years; and

WHEREAS, the Nebraska Veterans' Home located in Grand Island was the first in the State of Nebraska and has served as the model for other Veterans' Homes constructed and located in Bellevue, Norfolk, and Scottsbluff; and

WHEREAS, the people of Grand Island have supported the Nebraska Veterans' Home, its residents, and all veterans by initially purchasing and donating 640 acres of land for the Home's location; and

WHEREAS, the people of Grand Island have supported the Nebraska Veterans' Home, its residents, and all veterans, through sponsoring activities at the Home, constructing and maintain veterans' memorials throughout the community, and organizing and financing the Heroes' Flight program; and

WHEREAS, the people of Grand have supported the Nebraska Veterans' Home and its residents which have included veterans of the nation's armed conflicts since the Civil War and veterans who served in peacetime; and


WHEREAS, in 2012 the State of Nebraska announced it would construct a new Veterans' Home and solicited proposals from cities in Central Nebraska for its location; and

WHEREAS, the people of Grand Island will be submitting a proposal to retain the Nebraska Veterans' Home as this City is the best choice for that facility given Grand Island's lengthy and unfailing support for the Veterans' Home, its residents, and all veterans; and

WHEREAS, part of that proposal will include a statement of financial support for the Nebraska Veterans' Home and authorization approving the Mayor as the authorized official.

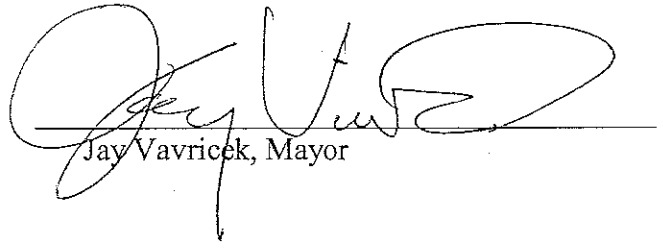
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island commits itself to providing financial support for the retention of the Nebraska Veterans' Home in an amount not to exceed three million dollars and authorizing the Mayor as the authorized official.

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Approved as to Form ☒ 
May 29, 2013

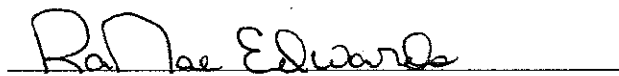
☒ City Attorney

Adopted by the City Council of the City of Grand Island, Nebraska, May 28, 2013.



Jay Vavricek, Mayor

Attest:



RaNae Edwards, City Clerk

RESOLUTION 2013-186

WHEREAS, State Senator Mike Gloor, Mayor Jay Vavricek, Hall County Board of Supervisors Chair Pam Lancaster, Home for Our Heroes Chair Cindy Johnson, former EDC President Marlan Ferguson, Public Works Director John Collins and Planning Director Chad Nabity assembled Friday, June 14, 2013 with the State Veteran's Home Site Selection Committee; and

WHEREAS, during the site visit questions were raised concerning City plans and intentions concerning certain City services and infrastructure; and

WHEREAS, representatives of the Site Selection Committee indicated their interest in certain assurances with respect to City plans; and

WHEREAS, the Grand Island Home for Our Heroes Committee requested the City Council formally and expeditiously address these matters on behalf of the community of Grand Island; and

WHEREAS, the Mayor and City Council wish to formally address these matters in an affirmative manner to confirm information and fully meet the needs and expectation of the State; and

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

- 1) Regarding the drainage swale adjacent to the Veterans Cemetery, the drainage swale acts as an overflow to the storm water detention cell south of Veteran's Memorial Avenue, and usually only contains storm water runoff during large rain events. This swale is currently isolated west of the proposed site along Webb Road, and would not have any adverse impacts to the development of the conceptual layouts of the site. Since the majority of the land around the proposed Veteran's Home site has been removed from the flood plain and is above the Base Flood Elevation, storm water runoff is not anticipated to impact development of the site.

There are several options that can be evaluated by the City and Department of Administrative Services (DAS) to relocate the drainage around the cemetery, including grading of a new ditch, installing storm sewer, or a combination of both. Any of these alternates can be designed so that there are no negative impacts to the proposed Veteran's Home site.

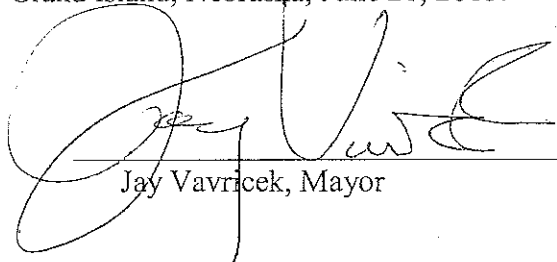
The City will work with the State to address this matter. In addition, the City clarifies the funding source for this project is a portion of the \$4 million committed by the Grand Island community.

- 2) Future street improvements will be subject to State approval and the City will work with the State in the event the State plans any changes on the proposed site.

Approved as to Form	<input checked="" type="checkbox"/>
June 21, 2013	<input checked="" type="checkbox"/> City Attorney

- 3) Regarding the grade elevation of the site, as the Federal Emergency Management Agency documented in its May 28, 2013 Letter of Map Amendment Determination Document (Removal), in excess of 45 acres is above the floodplain elevation and, as at any building site, one to two feet of fill for pad site and general grading for drainage purposes would be necessary. A natural borrow area would be established onsite to supply borrow material for the project.
- 4) Regarding the widening project of Veterans Memorial Avenue to five lanes, the hike and bike trail project along the north side of Veterans Memorial Avenue from Webb Road to Broadwell Avenue and the pedestrian-activated signal crossing 1,000 feet east of Webb Road, these improvements are designed to improve vehicular and pedestrian/member safety. In particular, the hike and bike trail project provides for member access to retail locations to the west as well as to the south, and leisure activities at Eagle Scout Lake, Veterans Athletic Fields and United Veterans Club.
- 5) Regarding the potential for use of a geothermal heating system, such systems have been successfully used in Grand Island. Fluids in a closed loop system do not interact directly with each other or the soil or groundwater and therefore, drawing contamination toward the site or drawing contaminants into the building is highly unlikely. The City will work with the State to answer any questions if the design for the Veterans Home incorporates a geothermal heating system; no city permits are required for State building projects on state-owned property.
- 6) Regarding the potable irrigation well, City water is available and would be used at the site so the abandonment of the irrigation well may occur and would have no impact.
- 7) Regarding concern over the possible presence of contamination in the groundwater that may exist within a portion of the site, the availability of City water will mitigate this.

Adopted by the City Council of the City of Grand Island, Nebraska, June 21, 2013.


Jay Vavricek, Mayor

Attest:


RaNae Edwards, City Clerk

RESOLUTION 2013-271

WHEREAS, the City of Grand Island, Hall County, Grand Island Area Economic Development Corporation and the Grand Island Area Chamber of Commerce have representatives serving as members of the Home for Our Heroes Committee; and

WHEREAS, the City, County, Economic Development Corporation and Chamber of Commerce along with the entire Grand Island area community have an interest in retaining the Grand Island Veterans Home and will be affected by the loss of that Home; and

WHEREAS, a selection committee acting on behalf of the State of Nebraska has decided to move the Veterans Home to Kearney, Nebraska; and

WHEREAS, the Chamber of Commerce plans to engage the law firm of Husch Blackwell, LLP to explore legal options regarding the State's decision to relocate the Veterans Home; and

WHEREAS, the total fee for Husch, Blackwell's services is \$30,000.00; and

WHEREAS, the Chamber of Commerce is requesting the City of Grand Island contribute \$10,000.00 to assist in paying Husch, Blackwell's fees.

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 pay \$10,000.00 to the Grand Island Area Chamber of Commerce to assist it in paying the fees of Husch Blackwell, LLP.

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Adopted by the City Council of the City of Grand Island, Nebraska, August 13, 2013.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
August 9, 2013	☐ City Attorney