



City of Grand Island

Tuesday, August 27, 2013

Council Session

Item I-7

#2013-292 - Consideration of Legal Fee Contribution for Analysis of Options Regarding Veterans Home

Staff Contact: Mayor Jay Vavricek

Council Agenda Memo

From: Mayor Jay Vavricek

Meeting: August 27, 2013

Subject: Legal Fee Contribution to Grand Island Chamber of Commerce

Item #'s: I-7

Presenter(s): Mayor Jay Vavricek

Background

The City of Grand Island, Hall County, Grand Island Area Economic Development Corporation 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, on behalf of The Home For Our Heroes Committee, would like to hire the Rembolt Ludtke, LLP law firm from Lincoln, Nebraska to evaluate all legal options available with the intent of retaining the Veteran's Home. Rembolt Ludtke, LLP is proposing a flat fee of \$15,000.00 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 \$5,000.00.

A constructive community discussion has occurred as a result of the study session held on August 20, 2013 and the community is now more aware of the proposed efforts and future implications.

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 2013-292 authorizing the City of Grand Island to pay \$5,000.00 to the Grand Island Chamber of Commerce for the legal fees of Rembolt Ludtke, LLP.

Sample Motion

Move to approve Resolution 2013-292.

August 13, 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.

In the last 24 hours, a former Grand Island resident and past board chair of the Chamber, has stepped forward and submitted a proposal to assist Grand Island with this examination and evaluation. Don Dunn with Remboldt Ludtke will provide these same services at a significantly reduced price (\$15,000). Inasmuch as Don has a personal investment in seeing Grand Island be successful in this initiative and the cost savings are significant, we propose to engage Remboldt Ludtke for legal services.

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 - \$5,000, City - \$5,000, Chamber of Commerce - \$2,500, and Grand Island Area Economic Development Corporation - \$2,500. 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

**GRANDISLAND AREA ECONOMIC DEVELOPMENT CORPORATION
GRAND ISLAND, NEBRASKA
RESOLUTION
2013-03**

A RESOLUTION OF THE GRAND ISLAND AREA ECONOMIC DEVELOPMENT CORPORATION OF GRAND ISLAND, NEBRASKA PERTAINING TO SUPPORTING KEEPING THE NEBRASKA VETERANS HOME IN THIS COMMUNITY.

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

WHEREAS, in 1887 the Grand Island community purchased and donated 640 acres for the construction of the State's first Veterans Home; and

WHEREAS, the existing Nebraska Veterans Home in Grand Island is proposed for replacement due to age and challenges in meeting current building codes and standards of care; and

WHEREAS, the Grand Island Area Economic Development Corporation has already contributed \$35,000 to the GI Homes for the Heroes committee to help keep the home in Grand Island.

WHEREAS, the Grand Island Area Economic Development Corporation will further contribute \$2,500 to support the legal fund to research what legal action may be available to stop the Grand Island Veteran's Home move.

WHEREAS, the additional \$2,500 will go towards hiring Remboldt Ludtke of Lincoln and its partner, Don Dunn, a former Grand Island attorney. .


NOW, THEREFORE BE IT RESOLVED BY THE GRAND ISLAND AREA ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF GRAND ISLAND, NEBRASKA that:


1. It supports the GI Home for the Heroes Committee and the research to be done by Don Dunn of Rembolt Ludtke in Lincoln, Nebraska as he researches what legal action may be available to stop the Grand Island Veteran's Home from moving to Kearney.
2. It further supports the research by contributing \$2,500.

Passed and approved on this 22nd day of August, 2013.

GRAND ISLAND AREA ECONOMIC
DEVELOPMENT CORPORATION OF
THE CITY OF GRAND ISLAND,
NEBRASKA

ATTEST:


Tom Gdowski, Secretary

By: 
Ann Martin, Chairman of the Board

HALL COUNTY BOARD OF SUPERVISORS MEETING AUGUST 13, 2013

The Hall County Board of Supervisors convened August 13, 2013 by published call in the County Board meeting room, 121 South Pine, Grand Island.

CALL TO ORDER - The meeting was called to order by Chairman Pamela Lancaster.

INVOCATION - Invocation was given by Scott Arnold.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was given in unison.

ROLL CALL - Present on roll call were, Scott Arnold, Pamela Lancaster, Bob McFarland, Dan Purdy, Gary Quandt, Steve Schuppan and David Ziola. Also present was Deputy County Attorney Jack Zitterkopf and Board Assistant Stacey Ruzicka.

NOTICE OF OPEN MEETING LAW – Chairman Pamela Lancaster read the notice of open meeting law.

REQUEST TO RESERVE TIME – Chairman Lancaster stated that if anyone from the audience has a request to reserve time to speak on a specific agenda item, to please come forward at this time. No one responded.

CONSENT AGENDA – Purdy made a motion and Quandt seconded to approve the following by consent agenda:

1. Placed on file the minutes of the July 30, 2013 meeting
2. 6 Authorized the Chair to sign Amendment #8 for Aramark operating agreement
3. 8 Accepted the health Insurance committee recommendation to approve and authorize the Chair to sign the agreement with Family Resources for the employee assistance program
4. 10 Approved the special designated liquor license for Zoul Hospitality for Crane Trust to be held 9/28/2013
5. 11 County Treasurer placed on file the report of all unpaid real estate taxes and special assessments in Hall County for 2011 and prior years not sold at public tax sale
6. 11b Approved Resolution #13-058 for the 5 year county tax sales
7. 11c Approved Resolution #13-059 for additional collateral of US Bank Corp for \$1,000,000.00
8. 12 County Clerk – approved Resolution #13-060 for collateral with Wells Fargo Bank for \$165,000.00
9. 13 Approved and authorized the Chair to sign the letter of support for the Hall County Housing Authority for a low income housing project
10. 14 Approved the appointment of Donald Deitemeyer to the Stuhr Museum Operating Board
11. 15 Placed on file the tort claim of Stacey Monk
12. 17 Approved the bi weekly pay claims
13. 18 Placed on file the office reports from County Attorney Statistical Report, Register of Deeds, County Clerk, Hall & Howard County Juvenile Diversion, County Sheriff June report, County Sheriff Quarterly Report
14. 19 Placed on file the Hall County Treasurer's miscellaneous receipts
15. 20 Placed on file communications
16. 23 Set bid opening for 2013-2014 asphalt maintenance overlays on September 10th at 10:30 a.m.

Arnold, Lancaster, McFarland, Purdy, Quandt, Schuppan and Ziola all voted yes and none voted no. Motion carried.

Judy Sandstrom, 1605 Stagecoach Road, with Family Resources thanked the board for the opportunity to offer the employee assistance program to the county employees. She stated that they will address employees have a long standing relationship with another provider.

9:05 a.m. Held a Board of Equalization meeting

9:20 a.m. Returned to the regular meeting

PUBLIC PARTICIPATION – Chairman Lancaster called for public participation and no one responded.

County Attorney no items listed.

9. DISCUSS AND APPROVE SUPPORT FOR RETAINING THE VETERANS HOME IN GRAND ISLAND- Lancaster stated that the community has done everything they can locally but there are question about the legalities of moving the home. She noted comments from 1887. They are proposing to retain legal counsel to look at the legislation and other issues and discussed using the \$10,000.00 from keno or other dollars to help with the legal counsel.

Mr. Schuppan stated that they are in the process of the selection of a legal firm. Mr. Moyer has been involved in the process of keeping the veterans where they are. He stated that he did not fight in the Battle of The Bulge to have this taken away. The firm is not a local firm so they would have an objective look at this issue. When they come back with an opinion it will be made public.

Mr. Quandt stated that he serves of the "Home for Hero's" committee and is pleased with the community support. The veteran's now feel like they have a voice. The City of Grand Island, Economic Development, Hall County and the public are all working together. The veteran's will be represented. Mr. Shuda has been asked to step back on this issue he does not provide the benefit he helps them fill out the paperwork.

Mr. Schuppan stated that he is in favor of getting the legal opinion.

Mr. Ziola stated that the home is in his district and he will support the retention but we need the outside opinion.

Ziola made a motion and McFarland seconded to set aside \$10,000.00 of keno funds for the retention of the veterans home.

Ms. Lancaster stated that she would like to have the legal opinion from Mr. Zitterkopf if this can be "community betterment". Mr. Zitterkopf stated that he does not feel this should be classified as community betterment and Stacey Ruzicka also expressed concern and was of the same opinion.

Discussion was held and Ziola amended his motion and McFarland seconded to use inheritance tax dollars and not keno dollars.

Mr. Quandt expressed concern that this is community betterment and Mr. Arnold stated it is important to not use tax dollars for this.

The vote on the motion was held. Arnold, Lancaster, McFarland, Purdy, Quandt, Schuppan and Ziola all voted yes and none voted no. Motion carried.

9:30 A.M. Held a Board of Corrections Meeting

9:40 A.M. Returned to the regular meeting.

16 EXECUTIVE SESSION PERFORMANCE EVALUATION – Ziola made a motion and Quandt seconded to go into executive session. This executive session is to prevent needles harm or injury to an individual. Arnold, Lancaster, McFarland, Purdy, Quandt, Schuppan and Ziola all voted yes and none voted no. Motion carried.

9:40 a.m. held a 5 minute break to clear the room for the executive session.

9:46 a.m. Quandt made a motion and Ziola seconded to go out of executive session. No other subjects were discussed and no action was taken. Arnold, Lancaster, McFarland, Purdy, Quandt, Schuppan and Ziola all voted yes and none voted no. Motion carried.

Ziola made a motion and Quandt seconded to authorize the personnel committee to present the evaluation to the employee. Arnold, Lancaster, McFarland, Purdy, Quandt, Schuppan and Ziola all voted yes and none voted no. Motion carried.

COMMITTEE OR BOARD MEMBER REPORTS - McFarland stated that the held a facilities committee meeting yesterday and discussed the floor covering for the foyer and the hallway in the courthouse annex. The hallway will be carpeted.

Schuppan stated that the Road Department has had a lot of meetings.

Mr. Quandt asked if he could be allowed to wear the T shirt supporting the retention of the Nebraska Veteran's Home. Mr. Huber designed the shirt and he is a voice for the people at the Veterans Home. The shirts are for sale at the Vet's Club.

Ms. Lancaster stated she attended the meeting at CAAP and has 3 copies of the reports. One is the long term monitoring of the subservice injections and she also noted how they managed all of the contamination that was found years ago. She credited Chuck Carpenter for addressing the health issues in this area and how he did research regarding this. The Army then had to take ownership of these issues. One of the reports notes how the location of the feed lot assisted in the decontamination of the plume. She also noted that there were no records of where the explosives were buried so they used remote controlled equipment to detect the buried explosives.

Mr. Schuppan asked if the mining process has been completed because the NRD project was stopped because of the clean up. Ms Lancaster stated that is just about done and they expect the report this month.

7 10:00 a.m. PUBLIC HEARING E 911 SURCHARGE SERVICE COSTS - Quandt made a motion and Ziola seconded to open the public hearing regarding the 911 surcharge. Arnold, Lancaster, McFarland, Purdy, Quandt, Schuppan and Ziola all voted yes and none voted no.

Motion carried.

Emergency Management Director Jon Rosenlund was present and stated that in May they received a letter from Charter that they would not be paying the E 911 fees to Hall County because of a concern that VOIT telephone customers did not have to pay the surcharge. Discussion was held on the type of exchanges and if the surcharge should be paid.

Mr. Zitterkopf stated that this is not a new surcharge and in fact in July of 2002 a resolution was passed that is very similar to the one today but it addressed landlines. As phone service became more wireless the statutes were changed 2007. This resolution reflects statute change. The state keeps the wireless surcharge. Mr. Rosenlund stated that there are state statutes and local resolution that address the surcharges.

Mr. Arnold stated that the old statutes described the telephone exchanges and they were changed to address the cell phones. It is important that VOIT should be included in the resolution so they can eliminate any argument of a loop hole. This needs to be done because Charter is holding 3 months of revenue.

Ziola made a motion and Quandt seconded to close the public hearing. Arnold, Lancaster, McFarland, Purdy, Quandt, Schuppan and Ziola all voted yes and none voted no. Motion carried.

CONSIDERATION AND POSSIBLE APPROVAL OF A RESOLUTION ESTABLISHING THE RATE OF THE SERVICE SURCHARGE FOR 911 SERVICE COSTS FOR HALL COUNTY, NEBRASKA. – Ziola made a motion and Quandt seconded to approve Resolution #13 - 057 for E-911 rate of the surcharge. Arnold, Lancaster, McFarland, Purdy, Quandt, Schuppan and Ziola all voted yes and none voted no. Motion carried.

Board Assistant Stacy Ruzicka asked if anyone else will be attending the Central District meeting. Dave Ziola is the only one that has let her know.

NEW OR UNFINISHED BUSINESS – Chairman Lancaster called for new or unfinished business. The inventories were distributed to the Supervisors and they are due back to the County Clerk before September 10th.

Meeting adjourned at 10:20 a.m. The next meeting will be August 27, 2013 at 9:00 am.

Marla J. Conley Hall County Clerk



August 22, 2013

Mayor Jay Vavricek and City Councilmembers
City of Grand Island
Post Office Box 1986
Grand Island, NE 68802

Dear Mayor Vavricek and Councilmembers:

RE: Grand Island Area Chamber of Commerce Financial
Contribution for Legal Services in Regards to the Veterans Home

At the August 14, 2013 meeting of the Board of Directors for the
Grand Island Area Chamber of Commerce, the Board voted
unanimously to contribute financially toward contracting for legal
services to:

- Research, analyze and evaluate existing Nebraska law governing veterans homes, the authority of the Governor and Department of Administrative Services and the selection process utilized in the recent award of a site;
- Provide in -depth research into the history of the statute placing the veterans' home in Grand Island;
- Provide in-depth research into the authority of first class cities to offer special concessions in pricing for local government provided services.

A motion was made, seconded and approved to support the request of the GI Home for Our Heroes Committee in an amount proportionate to the participation of the City, County and EDC, but no greater than \$5,000. It was requested that it be noted that the Grand Island Chamber of Commerce supported the efforts of GI Home for Our Heroes on behalf of not only the veterans but the entire community. The Chamber also agreed to serve as the contracting entity with the selected law firm.

The Grand Island Area
Chamber of Commerce

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Post Office Box 1486

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Sincerely,

Cindy K. Johnson
President

RESOLUTION 2013-292

WHEREAS, veterans today and generations before have served honorably with bravery, courage and dedication to support the freedom of this land and community; and

WHEREAS, this community made possible 640 acres of land as the home of the Grand Island Veterans Home, which, in the estimation of many in our community, became “hallowed ground” with approval of state statute LB247 on March 4, 1887; and

WHEREAS, efforts to move the Grand Island Veterans Home to Kearney cast aside with little or no regard the pioneer spirit, generosity, initiative and 126 years of service from our community; and

WHEREAS, a recent state wide request for community offerings supporting a new Central Nebraska Veterans Home used a proposal process that remains in doubt, a process that did not take into account proximity of adjacent and available resources such as the Veterans Hospital, camaraderie of the membership of veterans’ organizations, land readily available for member access and residency, nor did it solicit suitable involvement from members or employees of the Grand Island Veterans Home, or conduct a public hearing to ascertain facts; and

WHEREAS, based on the unprecedented show of support at the August 20th city council meeting and public comments made at that time; and

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, the Chamber of Commerce plans to engage Donald L. Dunn of the law firm of Rembolt Ludtke, LLP to analyze the legal situation regarding the decision to move the Home, to analyze the legal options available to retain the Home in Grand Island, and to offer advice to the Home for Our Heroes Committee regarding the legal situation and available options regarding the State’s decision to relocate the Home; and

WHEREAS, the total fee for Mr. Dunn’s and Rembolt Ludtke’s services is \$15,000.00 with Hall County contributing \$5,000, Economic Development Corporation contributing \$2,500 and Chamber of Commerce contributing \$2,500; and

WHEREAS, at the request of The Home For Our Heroes Committee, the City of Grand Island is contributing \$5,000.00 to assist it in paying Mr. Dunn and Rembolt Ludtke only to research, analyze and evaluate matters concerning the Veterans Home relocation recommendation; and

Approved as to Form	by _____
August 23, 2013	City Attorney

WHEREAS, the following council acknowledgements are also made: since federal funding of the project would benefit veterans regardless of the Home's location, federal funding is essential and will be supported; a reasonable and respectful dialogue is expected; other actions, including the possibility of state-wide legislative action, may be warranted; timely communication of research will be extended to the council through the Mayor; and if future financial assistance is needed to address this community concern, any action is dependent upon council approval with the hope the same four community partners would participate in a similar manner as this initial effort.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island is hereby authorized to disburse \$5,000.00 to the Grand Island Area Chamber of Commerce to assist it in retaining the professional services of Donald L. Dunn and Rembolt Ludtke, LLP and for paying the fee for those services.

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Adopted by the City Council of the City of Grand Island, Nebraska, August 27, 2013.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk