



City of Grand Island

Tuesday, October 14, 2014

Council Session

Item I-2

**#2014-307 - Consideration of Council President Haase's Request
the Council Override the Mayor's Veto for Assessments for Water
Main District 458T, Platte Valley Industrial Park - East**

This item relates to the aforementioned Board of Equalization item D-1.

Staff Contact:

RaNae Edwards

From: Council C Haase
Sent: Sunday, October 05, 2014 4:16 PM
To: RaNae Edwards; Electeds
Subject: Agenda Request for October 14th to override the Mayor Veto's

RaNae,

I request the Mayor Veto's (provided 9/30) on the 9/23/2014 agenda items 2014-BE-6, 2014-BE-7 and resolutions 2014-307, and 2014-308, relating to the Platte Valley Industrial Park - East, Water Main Dist 458T and Sanitary Sewer Dist 527T be placed on the October 14, 2014 agenda for the Council consideration of overriding the Mayor's Veto's on the 4 items listed above.

Please consider this to be in compliance with the process identified in Resolution 2009-59.

Respectfully Submitted,

Chuck Haase, City Council President

From: RaNae Edwards
Sent: Tuesday, September 30, 2014 10:04 AM
To: Electeds
Subject: Mayor Veto

Please see attached information regarding the Mayor's veto.

RaNae Edwards
City Clerk
City of Grand Island
100 East First Street
Grand Island, NE 68801
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This Space Reserved for the Register of Deeds

RESOLUTION 2014-307

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the special benefits as determined by Resolution 2014-BE-6 shall not be levied as special assessments but shall be certified by this resolution to the Register of Deeds, Hall County, Nebraska, pursuant to Section 16-6,103 R.R.S. 1943. A connection fee in the amount of the benefit identified below accruing to each property in the district shall be paid to the City of Grand Island at the time such property becomes connected to the water main. No property benefited as determined by this resolution shall be connected to the water main until the connection fee is paid. The connection fees collected shall be paid into the fund from which construction costs were made to replenish such fund for the construction costs.

According to the front foot and area of the respective lots, tracts, and real estate within such Water Main District No. 458T, such benefits are the sums set opposite the several descriptions as follows:

Name	Parcel Number	Description	Connection Fee
Blattner Family Trust 10 Trailwood Creek Lufkin TX 75901	400209217	Beginning at the intersection of the northerly right-of-way line of Wildwood Drive and the easterly right-of-way line of the River Industrial Lead Railroad, formerly known as the St. Joseph Branch of the Union Pacific Railroad; thence northerly, along the said easterly right-of-way line of the River Industrial Lead Railroad, a distance of two hundred sixty seven and thirteen hundredths (267.13) feet; thence easterly and three hundred (300.0) feet parallel with the southerly line of the Southwest Quarter of the Southeast Quarter (SW ¼, SE ¼,) of Section Five (5), Township Ten (10) North, Range Nine (9) West, a distance of one thousand two hundred sixty seven and two hundredths (1,267.02) feet to a point on the easterly line of the Southwest Quarter of the Southeast Quarter (SW ¼, SE ¼), of said Section Five (5), thence southerly along the easterly line of the Southwest Quarter of the Southeast Quarter (SW ¼, SE	\$24,639.94

Approved as to Form ✕ _____
October 10, 2014 ✕ City Attorney

		¼) of said Section Five (5), a distance of two hundred sixty seven and fourteen hundredths (267.14) feet to a point on the northerly right-of-way line of said Wildwood Drive; thence westerly along the northerly right-of-way line of said Wildwood Drive, a distance of one thousand two hundred sixty seven and twenty six hundredths (1,267.26) feet to the said Point of Beginning. Except that part deeded to the City of Grand Island for a Railroad Spur Line described in Instrument #78-007701(See attached) recorded in the Hall County, Nebraska Register of Deeds Office.	
Grand Island Area Economic Development PO Box 1151 Grand Island NE 68802-1151	400209225	Beginning at the intersection of the northerly right-of-way line of Wildwood Drive and the westerly right-of-way line Blaine Street; thence westerly along the northerly right-of-way line of said Wildwood Drive, a distance of one thousand two hundred eighty seven and sixty seven hundredths (1,287.67) feet to a point on the westerly line of the Southeast Quarter of the Southeast Quarter (SE ¼, SE ¼) of Section Five (5), Township Ten (10) North, Range Nine (9) West; thence northerly along the westerly line of the Southeast Quarter of the Southeast Quarter (SE ¼, SE ¼) of said Section Five (5), a distance of two hundred eighty seven and fourteen hundredths (287.14) feet; thence easterly and three hundred (300.0) feet parallel with the southerly line of the Southeast Quarter of the Southeast Quarter (SE ¼, SE ¼) of said Section Five (5), a distance of one thousand twenty and fifty three hundredths (1,020.53) feet; thence northerly and three hundred (300.0) feet parallel with the easterly line of the Southeast Quarter of the Southeast Quarter (SE ¼, SE ¼) of said Section Five (5), a distance of one thousand twenty and fifty three hundredths (1,020.53) feet to a point on the northerly line of the Southeast Quarter of the Southeast Quarter (SE ¼, SE ¼) of said Section Five (5); thence easterly along the northerly line of the Southeast Quarter of the Southeast Quarter (SE ¼, SE ¼) of said Section Five (5), a distance of two hundred sixty seven and fourteen hundredths (267.14) feet to a point on the westerly right-of-way line of said Blaine Street; thence southerly along the westerly right-of-way line of said Blaine Street, a distance of one thousand two hundred eighty seven and sixty seven (1,287.67) feet to the northerly right-of-way line of Wildwood Drive being the said Point of Beginning.	\$55,398.03
Grand Island Area Economic Development PO Box 1151 Grand Island NE 68802-1151	400209209 400209160	Beginning at a point on the westerly right-of-way line of Blaine Street, said point being one hundred fifty (150.0) feet south of the northerly line of the Northeast Quarter (NE ¼) of Section Five (5), Township Ten (10) North, Range Nine (9) West; thence southerly along the westerly right-of-way line of said Blaine Street, a distance of two thousand five hundred twenty nine and eighty seven hundredths (2,529.87) feet to a point on the northerly line of the North Half of the Southeast Quarter (N1/2, SE ¼) of said Section Five (5); thence continuing along the westerly right-of-way line of said Blaine Street, a distance of one thousand two hundred seventy and	\$81,742.29

		<p>sixteen hundredths (1,270.16) feet to a point on the southerly line of the North Half of the Southeast Quarter (N1/2, SE ¼) of said Section Five (5); thence westerly along the southerly line of the North Half of the Southeast Quarter (N1/2, SE ¼) of said Section Five (5), a distance of two hundred sixty seven and fourteen (267.14) feet; thence northerly and three hundred (300.0) feet parallel with the easterly line of the North Half of the Southeast Quarter (N1/2, SE ¼) of said Section Five (5), a distance of one thousand two hundred seventy two and six tenths (1,272.6) feet to a point on the southerly line of the Northeast Quarter (NE ¼) of said Section Five (5); thence continuing northerly and three hundred (300.0) feet parallel with the easterly line of the Northeast Quarter (NE ¼) of said Section Five (5), a distance of two thousand five hundred twenty seven and two hundredths (2,527.02) feet; thence easterly and one hundred fifty (150.0) feet parallel with the northerly line of the Northeast Quarter (NE ¼) of said Section Five (5), a distance of two hundred sixty seven and eight hundredths (267.08) feet to a point on the westerly right-of-way line of said Blaine Street being the said Point of Beginning.</p>	
<p>Charles H. Henderson Mary Alice Henderson, H/W 24 E Laurel Street Harrisonburg VA 22801</p>	400209047	<p>Beginning at the intersection of the easterly right-of-way line of Blaine Street and the southerly right-of-way line of Schimmer Drive; thence easterly along the southerly right-of-way line of said Schimmer Drive, a distance of two hundred sixty eight and twenty one hundredths (268.21) feet; thence southerly and three hundred (300.0) feet parallel with the westerly line of the Northwest Quarter (NW ¼) of Section Four (4), Township Ten (10) North, Range Nine (9) West, a distance of two thousand six hundred forty six and forty five hundredths (2,646.45) feet to a point on the southerly line of the Northwest Quarter (NW ¼) of said Section Four (4); thence westerly along the southerly line of the Northwest Quarter (NW ¼) of said Section Four (4), a distance of two hundred sixty seven and six hundredths (267.06) feet to a point on the easterly right-of-way line of said Blaine Street; thence northerly along the easterly right-of-way line of said Blaine Street, a distance of two thousand six hundred forty six and twenty three hundredths (2,646.23) feet to a point on the southerly right-of-way line of said Schimmer Drive being the said Point of Beginning.</p>	\$56,922.94
<p>Grand Island Area Economic Development PO Box 1151 Grand Island NE 68802-1151</p>	400209055	<p>Beginning at the intersection of the northerly right-of-way line of Wildwood Drive and the easterly right-of-way line of Blaine Street; thence northerly along the easterly right-of-way line of Blaine Street, a distance of two thousand five hundred fifty eight and ninety one hundredths (2,558.91) feet to a point on the northerly line of the Southwest Quarter (SW ¼) of said Section Four (4), Township Ten (10) North, Range Nine (9) West; thence easterly along the northerly line of the Southwest Quarter (SW ¼) of said Section Four (4), a distance of two hundred sixty seven and six hundredths (267.06) feet; thence southerly and three hundred (300.0) feet</p>	\$55,044.61

		parallel with the westerly line of the Southwest Quarter (SW ¼) of said Section Four (4), a distance of two thousand five hundred sixty one and twenty one hundredths (2,561.21) feet to a point on the northerly right-of-way line of said Wildwood Drive; thence westerly along the northerly right-of-way line of said Wildwood Drive, a distance of two hundred sixty seven and twelve hundredths (267.12) feet to a point on the easterly right-of-way line of said Blaine Street being the said Point of Beginning.	
Adeline M. Stelk 2659 West Wildwood Drive Grand Island NE 68801	400209241	Beginning at a point on the westerly right-of-way line of Blaine Street, said point being eighty three (83.0) feet south of the northerly line of the North Half of the Northeast Quarter (N1/2, NE1/4) of Section Eight (8), Township Ten (10) North, Range Nine (9) West; thence westerly and eighty three (83.0) feet parallel with the with the northerly line of the North Half of the Northeast Quarter (N1/2, NE1/4) of said Section Eight (8), a distance of one thousand seven hundred seven and fifty eight hundredths (1,707.58) feet to a point of curvature; thence running northwesterly along the arc of a curve whose radius is nine hundred eighty five and thirty seven hundredths (985.37) feet (the long chord of which deflects 11°50'33" right from the last described course), a long chord distance of three hundred fifteen and twenty four hundredths (315.24) feet to a point on the southerly right-of-way line of Wildwood Drive; thence westerly along the southerly right-of-way line of said Wildwood Drive, a distance of six hundred sixteen and sixty nine hundredths (616.69) feet to a point on the easterly line of the Northwest Quarter (NW1/4) of said Section Eight (8); thence continuing westerly along the southerly right-of-way line of said Wildwood Drive, a distance of fifty two and forty four hundredths (52.44) feet; thence southerly and parallel with the easterly line of the Northwest Quarter (NW1/4) of said Section Eight (8), a distance of two hundred sixty seven and ten hundredths (267.10) feet; thence easterly and three hundred (300.0) feet parallel with the northerly line of the Northwest Quarter (NW1/4) of said Section Eight (8), a distance of fifty two and forty four hundredths (52.44) feet to a point on the westerly line of the North Half of the Northeast Quarter (N1/2, NE1/4) of said Section Eight (8); thence continuing easterly and three hundred (300.0) feet parallel with the northerly line of the North Half of the Northeast Quarter (N1/2, NE1/4) of said Section Eight (8), a distance of two thousand five hundred ninety eight and forty six hundredths (2,598.46) feet to a point on the westerly right-of-way line of said Blaine Street; thence northerly along the westerly right-of-way line of said Blaine Street, a distance of two hundred seventeen and four hundredths (217.04) feet to the said Point of Beginning.	\$57,906.42
TOTAL All Connection Fees			\$331,654.23

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Adopted by the City Council of the City of Grand Island, Nebraska, October 14, 2014.

Jay Vavricek, Mayor

Attest:

Nicki Stoltenberg, Assistant to the City Administrator

September 30, 2014

Members of the City Council,

With the authority entrusted to me as Mayor as provided in Grand Island City Code and Nebraska Law, I feel it is important to veto the policies approved September 23, 2014 concerning the assessments of personal property primarily owned by the Grand Island Area Economic Development Corporation (GIAEDC) and commonly referred to as Platte Valley Industrial Park East.

Therefore this veto pertains to the following: #2014-BE-6, #2014-BE-7, #2014-307 and #2014-308.

First, my history of supporting economic development in our community is well documented. I am proud of efforts leading to the Heartland Events Center, competing to become home of the Nebraska National Guard Aviation facility, legislative efforts to relocate and supporting the Nebraska State Fair to efforts supporting the passage of two LB 840 economic development elections.

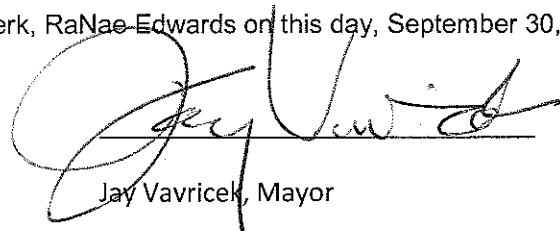
In the past four years, we can all take pride in promoting economic development success in many ways. Efforts that have led to extending the sanitary sewer lines to the Interstate, approving 19 tax increment financing proposals, redeveloping the former Aurora Coop County Industrial site, squelching railroad noise Downtown, insuring affordable housing starts, redevelopment related to the GI Mall, Five Points or along South Locust Street to gaining voter confidence to renew our City's LB 840 Economic Development Plan and yearly approval of GIAEDC annual funding requests to retain key employers.

So my objection to approving the policies from September 23, 2014 with respect to the assistance for the development of personal property pertain to the State's \$925,000 economic development grant – a substantial grant that funds 42 per cent of the City's development costs. Since we don't know the outcome of the grant's funding forgiveness, it is unreasonable and premature to set an assessment today when the City's costs may change in the future.

Secondly, we should guard the integrity of our City's LB 840 Economic Development Plan. If the State's grant requires reimbursement by the City of Grand Island, the funding is bound by our State's economic development laws and raises concerns of the ability to do so outside of LB 840. Based on consultations with the Nebraska League of Municipalities, the League shares in these concerns since the circumstances involved here have never been experienced in our State before.

Therefore, until the City's full costs are absolutely known to be true and accurate pending the grant's successful resolution, deferring assessments would be more reasonable to do. This would also insure the City does not compromise the funding limitations and the approval process in our voter approved LB840 Economic Development Plan.

This veto has been delivered and certified by the City Clerk, RaNae Edwards on this day, September 30, 2014.



Jay Vavricek, Mayor

ATTEST:



RaNae Edwards, City Clerk

9-30-14

Date

**Platte Valley Industrial Park East (PVIP-E)
Development Understanding
Chronology of Events**

- **9/9/2008:** City Council approves application on behalf of GIAEDC for Phase 1, CDBG \$75K planning study to study Cornhusker Army Ammunition Park (CAAP) for economic site development. \$75K dollar for dollar match from GIAEDC.

- **11/4/2008:** City of Grand Island was awarded Phase 1, CDBG \$75K grant.

- **1/13/2009:** City Council approves “Planning Services Agreement” outlining GIAEDC/City responsibilities of Phase 1, CDBG \$75K grant.
 - City provides Certified Grant Administration and distribution of grant funds.
 - GIAEDC provides scope of work performance and agrees to hold City harmless and reimburse City for any sums City is obligated to return to NEDED out of failure of GIAEDC to perform the conditions of the contract or failure of the project to meet the CDBG required national objective whether or not the failure to meet the national objective was caused by the act or omission of GIAEDC

- **5/10/2010:** NEDED informs GIAEDC study results indicate CAAP is not eligible for Phase 2, \$925K grant but will accept a proposal for PVIP-E as the alternative site for Phase 2 grant. The study contributed to the later decision by the GIAEDC to divest of the majority of its holdings at the CAAP.

- **7/20/2010:** Citizens Advisory Review Committee approves GIAEDC application for \$575K LB-840 Funding to be used as part of match for intent to apply for Phase 2 CDBG \$925K grant.

- **7/27/2010:** City Council approves \$575K, LB-840 Funding with understanding Phase 2 CDBG \$925K will be applied for at NEDED and “Planning Services Agreement” outlining GIAEDC/City responsibilities for phase 2, CDBG \$925K will come forward to City Council. The “Planning Services Agreement” was never brought forward to City Council.

**Platte Valley Industrial Park East (PVIP-E)
Development Understanding
Chronology of Events**

- **10/26/2010:** City Council approves application for Phase 2, CDBG, \$925K infrastructure economic development grant on behalf of GIAEDC for PVIP-E.

- **11/23/2010:** City Council approved formation of a tap district for both the water and sewer infrastructure at the PVIP-E. This was manner in which the City would be reimbursed for the \$600k it spent out of the Utility Enterprise Funds to put the infrastructure in place.

- **3/25/2011:** City receives grant contract awarded from NEDED \$925K grant.

- **5/12/2014:** Meeting at the request of NEDED regarding progress toward meeting \$925K grant requirements. Attendees included the City and GIAEDC.

- **6/17/2014:** Council study session update in preparation for negotiation of a “Planning Services Agreement”

- **8/14/2014:** Citizens Review Committee was updated on the status of the \$925 grant.

- **8/21/2014:** City Council determined a “Planning Services Agreement” was not necessary

- **9/23/2014:** Board of Equalization sat and set assessments.

- **10/1/2014:** Mayoral veto occurred.