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# City of Grand Island



**Tuesday, December 04, 2007**

## **Council Session Packet**

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### **City Council:**

**Tom Brown  
Larry Carney  
John Gericke  
Peg Gilbert  
Joyce Haase  
Robert Meyer  
Mitchell Nickerson  
Bob Niemann  
Kirk Ramsey  
Jose Zapata**

### **Mayor:**

**Margaret Hornady**

### **City Administrator:**

**Jeff Pederson**

### **City Clerk:**

**RaNae Edwards**

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**7:00:00 PM  
Council Chambers - City Hall  
100 East First 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.**

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**Invocation - Pastor Sheri Lodel, Calvary Lutheran Church, 1304 North Custer Avenue**

**Pledge of Allegiance**

**Roll Call**

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## **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.**

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## **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.**

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## **MAYOR COMMUNICATION**

**This is an opportunity for the Mayor to comment on current events, activities, and issues of interest to the community.**



# City of Grand Island

Tuesday, December 04, 2007

## Council Session

### Item -1

#### Election of City Council President

*The City Council is required to elect one Councilmember to the office of Council President. The term is for a one-year period. The Council President automatically assumes the duties of the Mayor in the event that the Mayor is absent or otherwise unable to fulfill his/her duties. Nebraska law allows the election of the Council President to be by secret ballot. The total number of votes for each candidate; however, must be stated and recorded in the Minutes. Past practice has included a run-off election between the top two nominees, if necessary. The City Clerk will prepare, distribute, and count ballots. Nominations to fill the vacancy are in order. A second is not required on nominations.*

Staff Contact: Mayor Margaret Hornady



# City of Grand Island

Tuesday, December 04, 2007

Council Session

## Item E1

**Public Hearing on Request from Alltel Communications of  
Nebraska, Inc. for a Conditional Use Permit for a Wireless  
Communication Tower Facility Located at 3429 Airport Road**

Staff Contact: Craig Lewis

# **Council Agenda Memo**

**From:** Craig A. Lewis, Building Department Director

**Meeting:** December 4, 2007

**Subject:** Request of Faulk & Foster, Representing, Alltel Communication of Nebraska, Inc. for Approval of a Condition Use Permit to Construct a Telecommunication Tower at 3429 Airport Road

**Item #'s:** E-1 & H-1

**Presenter(s):** Craig Lewis

## **Background**

This is a request to allow for the construction of a 180 foot monopole telecommunication tower at 3429 Airport Road to facilitate their cellular service area. The Grand Island Zoning Code requires that all telecommunication towers receive the approval of City Council in the form of a conditional use permit prior to construction.

The intent of the tower and telecommunication facilities and antenna regulations are to protect residential areas and land uses from the potential adverse impact of the installation of towers and antennas through careful design, sighting, and camouflaging, to promote and encourage shared use/collocation of towers, and to ensure that towers and antennas are compatible with the surrounding land uses.

## **Discussion**

The City code specifies eight items to be submitted with the application for a tower development permit, all of those items have been submitted, with the exception of; 1). the engineering of the tower and foundation design, and, 2). a building permit application for the proposed tower. It appears reasonable to delay the submittal of these two items until after the City Council has approved the location. At the time of a request for a building permit the engineering for the construction needs to be submitted before a building permit would be issued.

Information attesting to a diligent effort to collocate has been submitted from the applicant but no supporting documentation from the other tower owners has been submitted stating the reasons for a denial of collocation.

There are several towers in the area along and adjacent to the Highway 281 corridor and the location of this proposal does not appear to create any negative impact on the neighboring properties.

### **Alternatives**

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

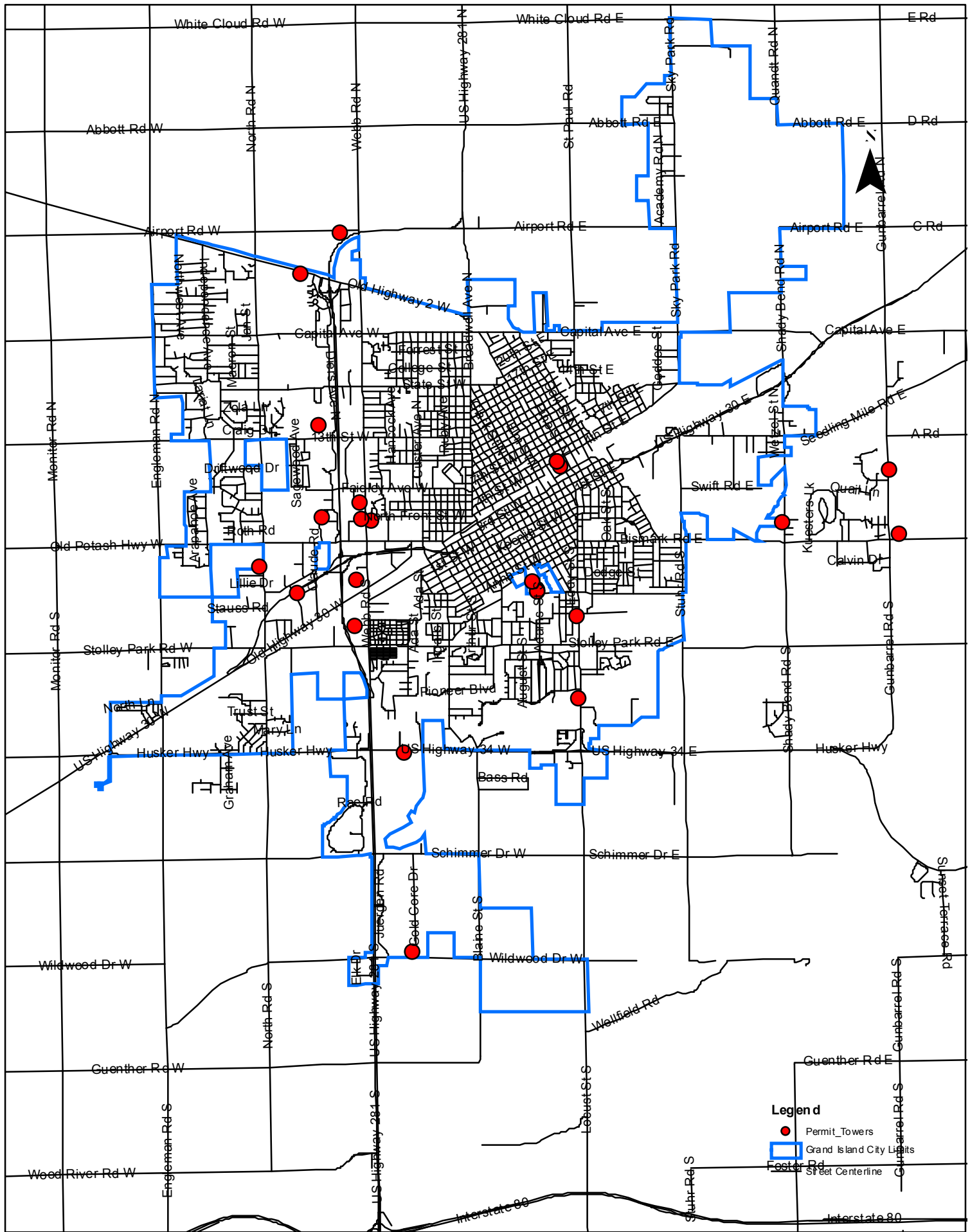
1. Approve the conditional use permit.
2. Disapprove or /Deny the conditional use permit.
3. Modify the conditional use to meet the wishes of the Council
4. Table the issue

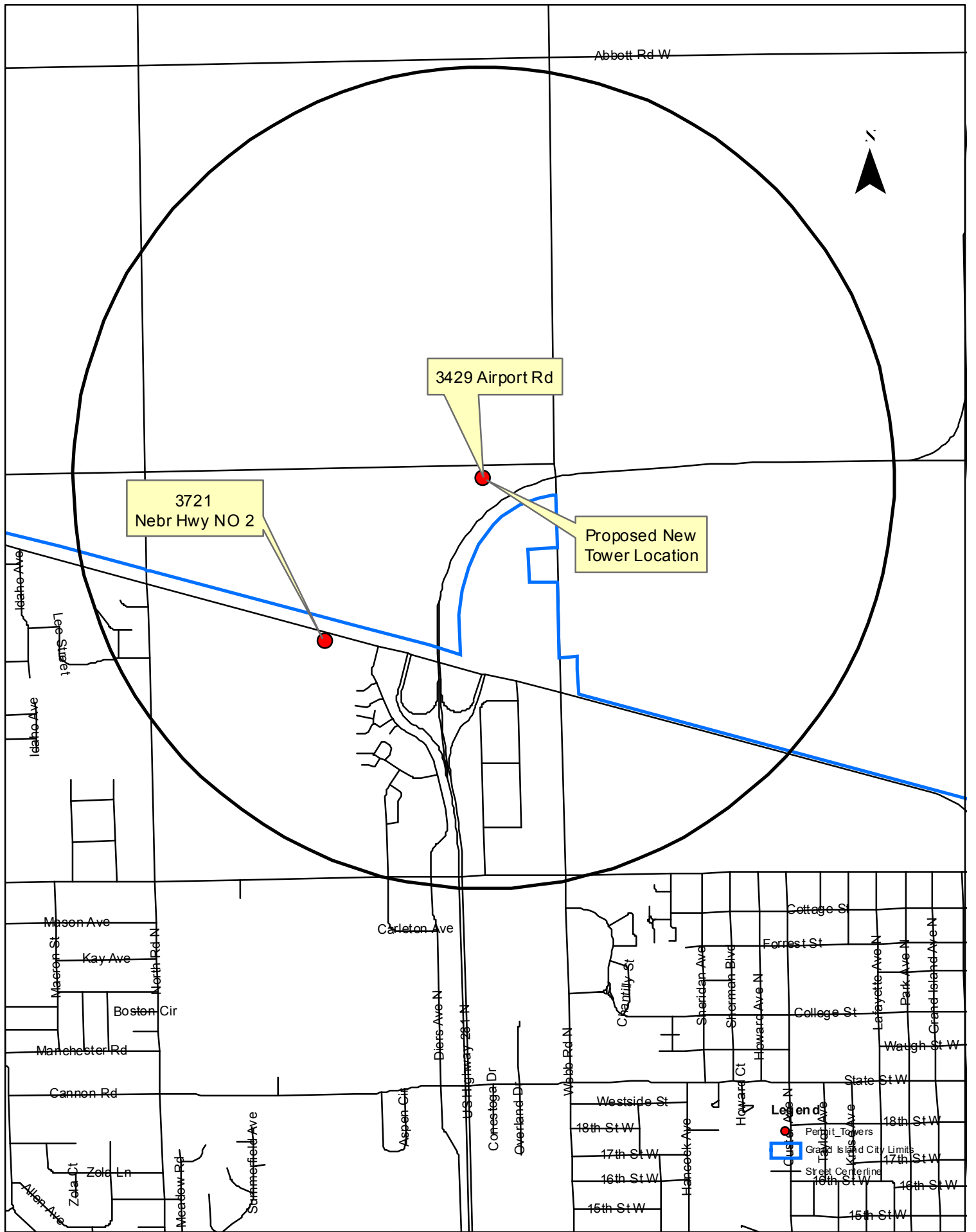
### **Recommendation**

City Administration recommends that the Council approve the request for a conditional use permit to construct this telecommunication tower.

### **Sample Motion**

Move to approve the request for a conditional use permit to construct a telecommunication tower at 3429 Airport Road. Possible findings to support this position might include; that the application was submitted as prescribed in the City code and that the proposal would not adversely impact neighboring properties and land uses.











# **City of Grand Island**

**Tuesday, December 04, 2007**

**Council Session**

## **Item G1**

**Approving Minutes of November 27, 2007 City Council Meeting**

**Staff Contact: RaNae Edwards**

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

November 27, 2007

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 November 27, 2007. Notice of the meeting was given in *The Grand Island Independent* on November 21, 2007.

Mayor Margaret Hornady called the meeting to order at 7:00 p.m. The following City Council members were present: Councilmember's Brown, Haase, Zapata, Nickerson, Gericke, Carney, Gilbert, Niemann, and Meyer. The following City Officials were present: City Administrator Jeff Pederson, City Clerk RaNae Edwards, Finance Director David Springer, City Attorney Dale Shotkoski, and Public Works Director Steve Riehle.

INVOCATION was given by Reverend David McCreary, Faith United Methodist Church, 724 West 12<sup>th</sup> Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Hornady acknowledged Community Youth Council members Laura Wirth and Amanda Calhoon and Board Member Adrian Velez.

PRESENTATIONS AND PROCLAMATIONS:

Presentation of Service Ward to Former Councilmember Fred Whitesides. The Mayor and City Council acknowledged Fred Whitesides with a plaque for his service to the citizen's of Grand Island for the last 11 years. Mr. Whitesides was present to receive the plaque.

Recognition of Cleo "Butch" Hurst, Grand Island Police Officer for 20 Years of Service with the City of Grand Island. The Mayor and City Council recognized Officer Cleo "Butch" Hurst for his 20 years of service with the City of Grand Island. Mentioned were several programs Officer Hurst had been involved with. Officer Hurst and his family were present for the recognition.

SPECIAL ITEMS:

Approving Appointment of Kirk Ramsey as City Councilmember for Ward 3. Mayor Hornady submitted the name of Kirk Ramsey for appointment as Councilmember to represent Ward 3. This appointment would fill the vacancy created by the resignation of Fred Whitesides.

Motion by Meyer, second by Gericke to approve the appointment of Kirk Ramsey as City Councilmember for Ward 3. Upon roll call vote, all voted aye. Motion adopted.

Administration of Oath of Office to Kirk Ramsey City Councilmember for Ward 3. City Clerk RaNae Edwards administered the Oath of Office to newly appointed Kirk Ramsey – Ward 3.

ADJOURN TO BOARD OF EQUALIZATION: Motion by Gilbert, second by Nickerson, carried unanimously to adjourn to the Board of Equalization.

#2007-BE-8 – Consideration of Determining Benefits for Cost of Demolition of a House Located at 516 East First Street. Wes Nespor, City Attorney reported that Nebraska Law and the Grand Island City Code contained procedures for abating nuisances and assessing costs. Demolition of the house located at 516 East First Street was completed earlier this year through a District court order. The City Council in its' capacity as the Board of Equalization was required to determine the benefits and levy of special assessments. Paul Briseno, Assistant to the City Administrator gave a PowerPoint presentation explaining the process the Problem Resolution Team (PRT) had taken to address this property.

Motion by Nickerson, second by Zapata to approve Resolution #2007-BE-8. Upon roll call vote, all voted aye. Motion adopted.

Councilmember Meyer congratulated the PRT for the cleanup work on this property.

RETURN TO REGULAR SESSION: Motion by Gilbert, second by Brown carried unanimously to return to Regular Session.

#### PUBLIC HEARINGS:

Public Hearing Concerning a Generalized Redevelopment Plan for Redevelopment Area #7 as Blighted and Substandard. Chad Nabity, Regional Planning Director reported that property located one half mile east of Highway 281 and one half mile west of South Locust Street, between Schimmer Drive and Wildwood Drive referred to as Redevelopment Area #7 was declared blighted and substandard by council on September 28, 2007. The generalized redevelopment plan does not specifically approve any Tax Increment Financing (TIF) projects but sets the parameters for TIF projects in the redevelopment area focusing on public improvements to utility, drainage and transportation infrastructure. Marlan Ferguson, Economic Development President spoke in support. No further public testimony was heard.

Public Hearing Concerning Change of Zoning for Lots 21 and 22, Nottingham Estates Subdivision Located North of Church Street and East of Hope Street from RD Residential Development to Amended RD Residential Development. Chad Nabity, Regional Planning Director reported that property located on the east side of Hope Street and north of Church Road was being considered for a zoning change to combine lots 21 and 22 of Nottingham Estates Subdivision to permit the construction of a duplex unit on the combined lots. No public testimony was heard.

Public Hearing Concerning Proposed Amendments to Chapter 36 of the Grand Island City Code Relative to Hard Surfaced Parking, Performance Standard for Salvage Yards, and Addition of Parking Lots as a Permitted Principal Use in the B2, B3 and M3 Zoning District. Chad Nabity, Regional Planning Director reported that amendments were proposed regarding performance standard for Salvage Yards, addition of parking lots as a permitted use in the B2, B3 and M3 Zoning Districts and Off-Street Parking requirements to modify parking lot surfacing requirements and clean up language relative to changes in zoning districts that were mad with the adoption of the Large Lot Residential Zone in 2004. No public testimony was heard.

Public Hearing Concerning Acquisition and Conveyance of Property Located on the South Boundary Line of the Webb Road Soccer Field (Funk, LLC). Steve Paustian, Park and



Recreation Director reported that the City acquired property formerly known as the Webb Salebarn for future Cemetery development now being used as the Webb Road Soccer Field. A detention cell constructed on the southern border impacts the west end of the proposed land swap with Funk, LLC. No public testimony was heard.

Public Hearing on Request of Munoz R. Rodriguez, Inc. dba Zona Rosa Nightclub, 611 East 4<sup>th</sup> Street for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that an application had been received from Munoz R. Rodriguez, Inc. dba Zona Rosa Nightclub, 611 East 4<sup>th</sup> Street for a Class "C" Liquor License. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on October 18, 2007; notice to the general public of date, time, and place of hearing published on November 17, 2007; notice to the applicant of date, time, and place of hearing mailed on October 18, 2007; along with Chapter 4 of the City Code. Staff recommended approval. Bill Francis, attorney for the applicant spoke in support. No further public testimony was heard.

Public Hearing Concerning Acquisition of Utility Easement Located at 317 South Locust Street (Two Brothers, Inc.). Gary Mader, Utilities Director reported that acquisition of a utility easement located at 317 South Locust Street was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would be used to provide a location for underground electric cable and a new padmount transformer to provide power to the expanded Acapulco Grocery. No public testimony was heard.

#### RESOLUTION:

Mayor Hornady mentioned Council needed to act on Resolution #2007-307 before approving the Ordinances as it related to Ordinance No. 9153.

#2007-307 – Consideration of Approving Contract with IAFF. Brenda Sutherland, Human Resources Director reported that members of the City's negotiating team and members of the IAFF negotiating team had been meeting since September and come to an agreement based on terms identified by the Commission of Industrial Relations (CIR). The proposed labor agreement will commence retroactively to October 1, 2007 and will remain in effect until September 30, 2010.

Motion by Meyer, second by Brown to approve Resolution #2007-307. Upon roll call vote, all voted aye. Motion adopted.

Mayor Hornady and IAFF President Scott Kuehl signed the IAFF Labor Contact.

#### ORDINANCES:

Councilmember Gilbert moved "that the statutory rules requiring ordinances to be read by title on three different days be suspended and that ordinances numbered:

#9149 – Consideration of Assessments for Cost of Demolition of a House Located at 516 East First Street

#9150 – Consideration of Change of Zoning for Lots 21 and 22, Nottingham Estates Subdivision Located North of Church Street and East of Hope Street from RD Residential Development to Amended RD Residential Development

#9151 – Consideration of Proposed Amendments to Chapter 36 of the grand Island City Code Relative to Hard Surfaced Parking, Performance Standard for Salvage Yards, and Addition of Parking Lots as a Permitted Principal Use in the B2, B3 and M3 Zoning District

#9152 – Consideration of Conveyance of Property Located on the South Boundary Line of the Webb Road Soccer Field to Fund, LLC

#9153 – Consideration of Amending Salary Ordinance

be considered for passage on the same day upon reading by number only and that the City Clerk be permitted to call out the number of these ordinances on first reading and then upon final passage and call for a roll call vote on each reading and then upon final passage.” Councilmember Zapata second the motion. Upon roll call vote, all voted aye. Motion adopted.

Councilmember Nickerson wanted it clarified that Ordinance No. 9151 omitted cold roll asphalt.

Motion by Meyer, second by Carney to approve Ordinances #9149, #9150, #9151, #9152 and #9153.

City Clerk: Ordinances #9149 #9150, #9151, #9152, and #9153 on first reading. All those in favor of the passage of these ordinances on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinances #9149, #9150, #9151, #9152, and #9153 on final passage. All those in favor of the passage of these ordinances on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinances #9149, #9150, #9151, #9152, and #9153 are declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Motion by Gilbert, second by Haase to approve the Consent Agenda. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of November 13, 2007 City Council Regular Meeting.

#2007-294 – Approving Final Plat and Subdivision Agreement for Nottingham Estates Second Subdivision. It was noted that Gregory W. Baker, President of Baker Development Company, owner had submitted the Final Plat and Subdivision Agreement for Nottingham Estates Second Subdivision located on a tract of land comprising all of Lots Twenty One (21) and Twenty Two (22), Nottingham Estates Subdivision consisting of approximately 0.174 acres for the purpose of creating 1 lot.

#2007-295 – Approving Final Plat and Subdivision Agreement for Hwy 281 Estates Subdivision. It was noted that Funk Family, LLC, owners had submitted the Final Plat and Subdivision Agreement for Hwy 281 Estates Subdivision located on a tract of land comprising a part of the E

1/2 SE 1/4 of Section 24-11-10 located south of Old Highway 30, between U.S. Highway 281 and Webb Road consisting of approximately 34.442 acres for the purpose of platting 2 lots and correcting the property boundaries between the City of Grand Island and Funk Family, LLC.

#2007-296 – Approving Change Order No. 15 with Chief Construction of Grand Island, Nebraska for Law Enforcement Center for an Increase of \$476.30 and a Revised Contingency Amount of \$81,771.10.

#2007-297 – Approving Lease Expansion for Multi-Function Copy Machines for the New Law Enforcement Center with Eakes Office Products of Grand Island, Nebraska in an Amount of \$22,117.20 for 60 Months.

#2007-298 – Approving Bid Award for Law Enforcement Center Snow Removal Services with A-1 Snow Removal of Grand Island, Nebraska in an Amount of \$300.00 per hour for 24' Foldup Box Blade; \$120.00 per hour for Case Loader w/Box Blade; and \$40.00 per load for Trucking if needed.

#2007-299 – Approving Bid Award for Downtown Parking Lot Snow Removal Services for the 2007/2008 Winter Season with A-1 Snow Removal of Grand Island, Nebraska in an Amount of \$45.00 per load for Trucks; \$120.00 per hour for Front End Loaders/Tractors; and \$300.00 per hour for Tractor w/Pull Blade.

#2007-300 – Approving Bid Award for Wellfield Wells #1, #4, and #8 Enclosures with Steel Crafters, Inc. of Grand Island, Nebraska in an Amount of \$53,399.00.

#2007-301 – Approving Bid Award for Tree Trimming Contract #2008-TT-1 with Wright Tree Service of Des Moines, Iowa in an Amount of \$72,400.00 for Sections 1, 4, 5, 6, 7 and 8; Sheffield Tree Service of Grand Island, Nebraska in an Amount of \$22,850.00 for Sections 2, 9 and 11; Asplundh Tree Expert of Fairfax, Iowa in an Amount of \$21,627.00 for Sections 3 and 10 and Tom's Tree Service of Grand Island, Nebraska in an Amount of \$17,100.00 for Section 12.

#2007-302 – Approving Award of Gas Supply Contract between the City of Grand Island, Utilities Department and ONEOK for a Monthly Demand Charge of \$14,600.00.

#2007-303 – Approving Acquisition of Utility Easement Located at 317 South Locust Street (Two Brothers, Inc.)

#2007-304 – Approving Acquisition of Property Located on the South Boundary Line of the Webb Road Soccer Field from Funk Family, LLC.

#### RESOLUTIONS:

#2007-305 – Consideration of Generalized Redevelopment Plan for Redevelopment Area #7 as Blighted and Substandard. Chad Nabity, Regional Planning Director reported this item related to the aforementioned Public Hearing.

Motion by Gilbert, second by Haase to approve Resolution #2007-305. Upon roll call vote, all voted aye. Motion adopted.

#2007-306 – Consideration of Approving Request of Munoz R. Rodriguez, Inc. dba Zona Rosa Nightclub, 611 East 4<sup>th</sup> Street for a Class “C” Liquor License and Liquor Manager Designation for Elsy Ramos, 243 South Sycamore. RaNae Edwards, City Clerk reported this item related to the aforementioned Public Hearing and included the request from Elsy Ramos, 243 South Sycamore for Liquor Manager Designation.

Motion by Nickerson, second by Brown to approve Resolution #2007-306. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Brown, second by Haase to approve the Claims for the period of November 14, 2007 through November 27, 2007, for a total amount of \$4,939,104.32. Motion adopted unanimously.

ADJOURNMENT: The meeting was adjourned at 7:50 p.m.

RaNae Edwards  
City Clerk





# City of Grand Island

Tuesday, December 04, 2007

Council Session

## Item G2

**#2007-308 - Approving Coal Freight Transportation Contract  
between Union Pacific Railroad and Grand Island Utilities**

Staff Contact: Gary R. Mader; Wesley Nespor

# **Council Agenda Memo**

**From:** Gary R. Mader, Utilities Director  
Dale Shotkoski, City Attorney

**Meeting:** December 4, 2007

**Subject:** Coal Freight Transportation Contract between Union Pacific Railroad and the City of Grand Island Utilities

**Item #'s:** G-2

**Presenter(s):** Gary R. Mader, Utilities Director

## **Background**

The current coal contract with the Union Pacific Railroad (UP) expires on December 31, 2007. The current contract was for a three year term. UP was asked to provide price quotations for continued service to move coal from the Wyoming coal fields to the Platte Generating Station Power Plant at Grand Island. UP provided a proposal with a number of options for future freight service.

## **Discussion**

Unlike the current contract, the railroad has declared that the current offers for future freight service are "Confidential". The confidential proposals incorporate Union Pacific standard conditions for service, referred to as Circular 113 and Circular 6603. Those publications are not confidential and can be accessed on the internet. The confidential proposals from UP and the public information Circulars are provided to Council under separate cover to honor the Union Pacific Confidentiality.

## **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's recommendation is included in the confidential information package provided to Council.

## **Sample Motion**

Move to approve the Coal Freight Transportation contract with Union Pacific Railroad.

RESOLUTION 2007-308

WHEREAS, the City's current coal transportation contract with the Union Pacific Railroad Company expires on December 31, 2007; and

WHEREAS, in lieu of renewing such contract, Union Pacific Railroad Company has extended a proposal that will require use of UP Circular 113 and Circular 6603; and

WHEREAS, Union Pacific Railroad Company has declared that current offers for future freight service are "confidential"; and

WHEREAS, the City Attorney has reviewed the UPPR proposal and UP Circular 113 and Circular 6603.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the UPPR proposal requiring the use of UP Circulars 113 and 6603 is hereby approved for the transportation of coal to the Platte Generating Station and city staff is authorized to complete the negotiations of the contract in the proposal.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute the final negotiated agreement with the Union Pacific Railroad Company on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, December 4, 2007.

\_\_\_\_\_  
Margaret Hornady, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form	☐ _____
November 29, 2007	☐ City Attorney



# City of Grand Island

Tuesday, December 04, 2007

Council Session

## Item G3

**#2007-309 - Approving Change Order #1 - NAES Turbine Services - Turbine Generator Inspection & Repair - Platte Generating Station**

Staff Contact: Gary R. Mader; Wesley Nespor

# **Council Agenda Memo**

**From:** Gary R. Mader, Utilities Director

**Meeting:** December 4, 2007

**Subject:** NAES Turbine Services - Turbine Generator Inspection and Repair Contract - Change Order #1

**Item #'s:** G-3

**Presenter(s):** Gary R. Mader, Utilities Director

## **Background**

Prior to the major overhaul and maintenance outage at Platte Generating Station this fall, plant staff developed an extensive specification and received bids for major repairs and technical inspection to be done on the turbine generator. The repair specifications were based on known problems found from visual inspections, instrument tests, and the Turbine Generator's operating history. The specifications also included additional testing and inspections to be done during the overhaul. The components to be tested during the outage included; bearings, steam nozzles, turbine rotor blades, and generator parts that cannot be accessed until the unit is off-line to allow access. NAES Turbine Services was awarded the contract for the turbine generator inspection and repair on May 22, 2007, in the amount of \$443,072.00.

## **Discussion**

The testing and inspection of the turbine generator after unit shut down found a number of problems not known at the time the original repair specifications were developed. It was expected that disassembly and inspection of the turbine generator would reveal wear not specifically known when the overhaul began. The level of additional work at this outage is not unusual and is comparable to previous major overhauls. Additional repair included:

- Erosion damage repair on turbine stages 10 and 11 stationary nozzles and stage 10 turbine wheel. (\$25,950)
- Turbine Stage 10 seal strip erosion repair. (\$2,800)
- Turbine #3 bearing oil deflector was worn beyond factory specifications for fit. (\$1,500)

- The original project scope specification stated a 30 day duration. That duration was extended due to the need to make repairs to the main turbine inlet valves. (\$29,488)
- Early in the outage, the generator was found to have loose stator wedging. Bids were taken, and the contract for repair was awarded at the Council meeting of October 23, 2007. This repair work requires electrical testing be done after completion, to assure proper function of the generator. The test is the Electromagnetic Core Imperfection Detection (EL CID). That test was done by the generator repair contractor. It was also included in this general inspection contract as a matter of routine testing during a major maintenance outage. The EL CID test is deleted from this contract. (Credit of \$3,000)

The total net amount of the required additional work is \$56,738.00 for a final contract amount of \$499,810.00.

### **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 authorizing Change Order #1 to the Turbine Generator Inspection and Repair Contract at the Platte Generating Station for an addition to the contract price of \$56,738.00.

### **Sample Motion**

Move to approve Change Order #1 in the amount of \$56,738.00 to the Turbine Generator Inspection and Repair Contract with NAES Turbine Services.



*Working Together for a  
Better Tomorrow. Today.*

## ***Change Order #1***

**TO:** NAES Turbine Services  
P.O. Box 94274  
Seattle WA 98124-6574

**PROJECT:** Turbine Generator Inspection and Repair Contract Change Order - Platte Generating Station

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

1 Additional payment per the attached spreadsheet.

ADD: \$56,738.00

<b>The original Contract Sum</b>	<u>\$443,072.00</u>
<b>Previous Change Order Amounts</b>	<u>\$ -</u>
<b>The Contract Sum is increased by this Change Order</b>	<u>\$ 56,738.00</u>
<b>The Contract Sum is decreased by this Change Order</b>	<u>\$</u>
<b>The total modified Contract Sum to date</b>	<u>\$ 499,810.00</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: NAES Turbine Services**

By: \_\_\_\_\_

Date \_\_\_\_\_



R E S O L U T I O N    2007-309

WHEREAS, on May 22, 2007, by Resolution 2007-115, the City of Grand Island awarded the bid for Turbine Generator Inspection and Repair to NAES Turbine Services, of Seattle, Washington; and

WHEREAS, it has been determined that modifications to the work to be performed by NAES Turbine Services, are necessary; and

WHEREAS, such modifications have been incorporated into Change Order No. 1; and

WHEREAS, the result of such modification will increase the contract amount by \$56,738.00 for a revised contract price of \$499,810.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor be, and hereby is, authorized and directed to execute Change Order No. 1 between the City of Grand Island and NAES Turbine Services, of Seattle, Washington to provide the modification set out as follows:

Erosion Damage Repair on Turbine Stages 10 and 11 Stationary Nozzles and Stage 10 Turbine Wheel.....	\$25,950.00
Turbine Stage 10 Seal Strip Erosion Repair .....	2,800.00
Turbine #3 Bearing Oil Deflector Repair .....	1,500.00
Extension of Scope of Project to include needed Repairs to the Main Turbine Inlet Valves.....	29,488.00
Deletion of El CID Test .....	<u>-3,000.00</u>
Total .....	\$56,738.00

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, December 4, 2007.

\_\_\_\_\_  
Margaret Hornady, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form <input type="checkbox"/> _____ November 30, 2007 <input type="checkbox"/> City Attorney
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# City of Grand Island

Tuesday, December 04, 2007

Council Session

## Item G4

**#2007-310 - Approving Change Order #1 - WS Industrial Service, Inc. - Outage Cleaning Service - Platte Generating Station**

Staff Contact: Gary R. Mader; Wesley Nespor

# **Council Agenda Memo**

**From:** Gary R. Mader, Utilities Director

**Meeting:** December 4, 2007

**Subject:** W-S Industrial Services, Inc. - Outage Cleaning Contract  
- Change Order #1

**Item #'s:** G-4

**Presenter(s):** Gary R. Mader, Utilities Director

## **Background**

Coal burning power plants produce ash and slag such that the boiler, hot gas ducting, precipitator, chimney, and ash handling systems must be cleaned before inspection and repair work can be done. Contractors specializing in this type of work utilize large equipment to grit blast or high pressure wash surfaces, and large vacuum systems to move the large volumes of waste materials generated.

Specifications were prepared and bids received prior to the overhaul outage at Platte Generating Station this fall. W-S Industrial Services, Inc., was awarded the contract for Outage Cleaning Services. The award was made at the August 28, 2007 Council meeting, in the amount of \$80,787.00.

## **Discussion**

After shut down and cool down, plant staff gained access to areas in the boiler, ash handling systems, and chimney, and found conditions that needed closer inspection. The only way to achieve much of this inspection is to clean the surfaces with high pressure wash and/or grit blasting, and remove the resulting waste material. W-S Industrial was on-site with the large equipment needed to do the clean up in a time frame to meet the outage schedule. A detailed description of the specific needs is attached. The total cost of the additional repair work is \$66,340 plus tax at 7% for a total Change Order of \$70,983.81, and a final contract cost of \$151,770.81.

## **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 authorizing Change Order #1 to the Outage Cleaning Services Contract at the Platte Generating Station with W-S Industrial Services, Inc., in the amount of \$70,983.81, and a resulting total contract amount of \$151,770.81.

## **Sample Motion**

Move to approve Change Order #1 to the contract with W-S Industrial Services, Inc., for Outage Cleaning Services in the amount of \$70,983.81, for a revised total contract amount of \$151,770.81.

## W-S Industrial Detailed Change Order Descriptions

- *Economizer Re-Vacuum (\$6,440)*  
With the Superheater Replacement Project underway directly above the boiler economizer section, debris collected on the economizer, subsequent to the initial boiler clean.
- *Ash Silo Vacuum (\$7,840)*  
In order to inspect the Ash Silo Interior Welds, all ash needed to be cleaned from the silo.
- *Boiler Penthouse Vacuum (\$9,380)*  
Repairs were needed in the boiler penthouse. In order to ensure effective repairs, the area required cleaning.
- *Chimney Wet Vacuum (\$2,240)*  
The chimney was cleaned, inspected, and repaired. Inspection revealed significant ash buildup inside the stack, which required high pressure water washing in order to perform an effective visual inspection. This process yields a wet ash slurry at the stack base, which is removed continuously during the water wash.
- *Circulating Water Screen Grit Blast (\$1,256)*  
The condenser circulating water pump inlet screens were significantly rusted. This oxidation increases the screen/pump differential pressure. It was decided to mechanically clean the screens.
- *Boiler Backpass Clean (\$36,155)*  
The boiler back-pass was vacuumed on three different occasions:
  - ✓ Upon unit shutdown for inspection and prior to the planned superheater replacement project commencing
  - ✓ After old superheater elements were removed
  - ✓ Prior to startup to remove and construction and repair debris
- *Total Material Costs (\$3,029)*  
The materials used by W-S Industrial Services:
  - ✓ Grit material for blasting
  - ✓ Consumable corrugated piping

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**TOTAL W-S INDUSTRIAL ADDERS: \$66,340.00**



*Working Together for a  
Better Tomorrow. Today.*

## ***Change Order #1***

**TO:** W-S Industrial Services, Inc.  
P.O. Box 461085  
Papillion, NE 68046-1085

**PROJECT:** Outage Cleaning Services Contract Change Order - Platte Generating Station

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

1 Additional payment per the attached spreadsheet.

ADD: \$70,983.81

<b>The original Contract Sum</b>	<u>\$80,787.00</u>
<b>Previous Change Order Amounts</b>	<u>\$ -</u>
<b>The Contract Sum is increased by this Change Order</b>	<u>\$ 70,983.81</u>
<b>The Contract Sum is decreased by this Change Order</b>	<u>\$</u>
<b>The total modified Contract Sum to date</b>	<u>\$ 151,770.81</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: W-S INDUSTRIAL SERVICES, INC.**

By: \_\_\_\_\_

Date \_\_\_\_\_

RESOLUTION 2007-310

WHEREAS, on August 28, 2007, by Resolution 2007-201, the City of Grand Island awarded the bid for an Outage Cleaning Contract to W-S Industrial Services, Inc., of Papillion, Nebraska; and

WHEREAS, it has been determined that modifications to the work to be performed by W-S Industrial Services, Inc., are necessary; and

WHEREAS, such modifications have been incorporated into Change Order No. 1; and

WHEREAS, the result of such modification will increase the contract amount by \$70,983.81 for a revised contract price of \$151,770.81.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor be, and hereby is, authorized and directed to execute Change Order No. 1 between the City of Grand Island and W-S Industrial Services, Inc., of Papillion, Nebraska to provide the modification set out as follows:

Economizer Re-Vacuum.....	\$6,440.00
Ash Silo Vacuum.....	7,840.00
Boiler Penthouse Vacuum.....	9,380.00
Chimney Wet Vacuum .....	2,240.00
Circulating Water Screen Grit Blast.....	1,256.00
Boiler Backpass Clean .....	36,155.00
Total Material Cost .....	3,029.00
Tax.....	<u>4,643.81</u>
Total.....	\$70,983.81

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, December 4, 2007.

\_\_\_\_\_  
Margaret Hornady, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form	☐ _____
November 30, 2007	☐ City Attorney



# City of Grand Island

Tuesday, December 04, 2007

Council Session

## Item G5

**#2007-311 - Approving Change Order #1 - Moorhead Machinery  
& Boiler Company - Horizontal Superheater Repair - Platte  
Generating Station**

Staff Contact: Gary R. Mader; Wesley Nespor



# **Council Agenda Memo**

**From:** Gary R. Mader, Utilities Director

**Meeting:** December 4, 2007

**Subject:** Moorhead Machinery & Boiler Company - Horizontal Superheater Repair Contract - Change Order #1

**Item #'s:** G-5

**Presenter(s):** Gary R. Mader, Utilities Director

## **Background**

Prior to the major overhaul and maintenance outage at Platte Generating Station this fall, plant staff developed specifications and received bids for major repairs to be done on the boiler superheater and rear furnace wall. The repair specifications were based on known problems found from visual inspections, at the short outage last spring, and plant operating history. The specifications included replacing the worn boiler tubes on the superheater and rear backpass wall. Moorhead Machinery & Boiler Company was awarded the contract for the Horizontal Superheater Repair at the Council Meeting of May 3, 2006 in the amount of \$1,032,029.00. The next low bid price for the original contract was \$1,816,277.00.

## **Discussion**

The testing and inspection of the high temperature, internal areas of the boiler after unit shut down found a number of problems not known at the time the original repair specifications were developed. The problems included several horizontal superheater tube attachments, alignment bars, spacers, and clips that were eroded beyond repair, boiler tube erosion and failing refractory inside the boiler. A more detailed description of the specific needed repairs is attached.

The additional work required to accomplish the repairs was necessary to restore Platte Generating Station to a condition to operate reliably for the five year interval between major overhauls. The total cost of the additional repair work is \$119,938 plus 7% tax for a total change of \$128,333.66, and a final contract cost of \$1,160,362.66.

## **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 authorizing Change Order #1 to the Horizontal Superheater Repair Contract at the Platte Generating Station for an addition to the contract price of \$128,333.66.

## **Sample Motion**

Move to approve Change Order #1 to the contract for Horizontal Superheater Repair with Moorhead Machinery & Boiler Company.

# Moorhead Machinery & Boiler Company

## Detailed Change Order Descriptions

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- *Corten Plate at Backpass Front Wall (\$23,200)*  
An area of the boiler backpass front wall was found to have sootblower erosion. Sootblower erosion is a boiler tube failure mechanism which may jeopardize reliability. This situation was unknown at the time of the repair contract. It was not included in the original repair scope. To mitigate tube erosion, a corten steel plate was welded to protect the section of boiler wall tubing being eroded by soot blower operation.
- *Refractory Dam at Backpass (\$23,400)*  
The boiler backpass rear wall refractory dam was found cracked and eroded to the point of needing repair. The refractory dam ensures proper gas flow and heat transfer in that section of the boiler. Neglecting repair at this time would jeopardize reliability.
- *Furnace Tube Samples (\$10,200)*  
Boiler tube samples are periodically evaluated by an independent laboratory to ensure boiler water chemistry is correct and effective. Boiler tubes are cut from the boiler at various locations and the internal surfaces are inspected and tested. The contractor replaced the boiler tubes taken for testing.
- *HSH Hanger Tube U-Bolt Rubs - 20 Pad Welds (\$810)*  
Twenty of the horizontal superheater hanger tubes were found to be worn at their U-bolt fasteners. These rubs decrease the tube thickness which jeopardizes reliability. Tubes eroded to less than 75% of their original thickness are repaired by laying on weld to restore thickness. This process is referred to as pad welding.
- *Backpass Front Wall Tubes – 23 Pad Welds (\$7,425)*  
Twenty-three of the backpass front wall tubes were found to have substantial sootblower erosion. Weld was laid on to restore tube thickness.
- *Backpass Rear Wall Tubes above overlaid wall – 16 Pad Welds (\$5,168)*  
Sixteen of the backpass rear wall tubes were found to have sootblower erosion.
- *HSH Top Bundle – Procure and install six superheater tube bends (\$22,300)*  
Six of the tubes in the Horizontal Superheater (HSH) were found to have serious sootblower erosion. Industry and insurance standards recommend that tubes eroded to less than 50% of their design thickness be replaced rather than pad welded. Moorhead Mechanical was already on-site performing other repairs requiring these skills.
- *HSH existing tubes – 45 Pad Welds (\$14,535)*  
Forty-five horizontal superheater (HSH) tubes were found to have sootblower erosion.
- *HSH existing tubes Hanger Clip/Tube Spacer Installation (\$12,900)*  
Several horizontal superheater tube attachments were found eroded and worn. Tube attachments, such as alignment bars, spacers, and clips, ensure proper tube alignment and to control movement as the boiler operates. The contractor replaced and/or repaired the alignment and supporting hardware on the superheater.

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**TOTAL OF ADDITIONAL WORK \$119,938.00**

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Working Together for a  
Better Tomorrow. Today.

## *Change Order #1*

**TO:** Moorhead Machinery & Boiler Company  
3477 University Avenue N.E.  
Minneapolis, Minnesota 55418

**PROJECT:** Horizontal Superheater Repair Contract Change Order - Platte Generating Station

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

1 Additional payment per the attached spreadsheet.

ADD: \$128,333.66

<b>The original Contract Sum</b>	<u>\$1,032,029.00</u>
<b>Previous Change Order Amounts</b>	<u>\$ -</u>
<b>The Contract Sum is increased by this Change Order</b>	<u>\$ 128,333.66</u>
<b>The Contract Sum is decreased by this Change Order</b>	<u>\$</u>
<b>The total modified Contract Sum to date</b>	<u>\$ 1,160,362.66</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: MOORHEAD MACHINERY & BOILER COMPANY**

By: \_\_\_\_\_

Date \_\_\_\_\_

RESOLUTION 2007-311

WHEREAS, on May 2, 2006, by Resolution 2006-128, the City of Grand Island awarded the bid for the Horizontal Superheater Repair to Moorhead Machinery & Boiler Company, of Minneapolis, Minnesota; and

WHEREAS, it has been determined that modifications to the work to be performed by Moorhead Machinery & Boiler Company, are necessary; and

WHEREAS, such modifications have been incorporated into Change Order No. 1; and

WHEREAS, the result of such modification will increase the contract amount by \$128,333.66 for a revised contract price of \$1,160,362.66.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor be, and hereby is, authorized and directed to execute Change Order No. 1 between the City of Grand Island and Moorhead Machinery & Boiler Company, of Minneapolis, Minnesota to provide the modification set out as follows:

Corten Plate at Backpass Front Wall .....	\$23,200.00
Refractory Dam at Backpass.....	23,400.00
Furnace Tube Samples .....	10,200.00
HSH Hanger Tube U-Bolt Rubs – 20 Pad Welds .....	810.00
Backpass Front Wall Tubes – 23 Pad Welds .....	7,425.00
Backpass Rear Wall Tubes above Overlaid Weld – 16 Pad Welds .....	5,168.00
HSH Top Bundle – Procure and Install Six Superheater Tube Bends .....	22,300.00
HSH Existing Tubes – 45 Pad Welds .....	14,535.00
HSH Existing Tubes Hanger Clip/Tube Spacer Installation .....	12,900.00
Tax.....	<u>8,395.66</u>
Total.....	128,333.66

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, December 4, 2007.

\_\_\_\_\_  
Margaret Hornady, Mayor

Attest:

\_\_\_\_\_

Approved as to Form	☐ _____
November 29, 2007	☐ City Attorney

RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, December 04, 2007

Council Session

## Item G6

**#2007-312 - Approving Confidentiality Agreement for the Elkhorn Ridge Wind Project**

Staff Contact: Gary R. Mader; Wesley Nespor

# **Council Agenda Memo**

**From:** Gary R. Mader, Utilities Director  
Wesley Nespor, Asst. City Attorney/Purchasing

**Meeting:** December 4, 2007

**Subject:** Confidentiality Agreement for the Elkhorn Ridge Wind Project

**Item #'s:** G-6

**Presenter(s):** Gary R. Mader, Utilities Director

## **Background**

The Utilities Department has made efforts to be involved in developing technologies regarding renewable energy. Presently, the most cost effective form of renewable energy is wind energy. Since 1998, the City's Utilities Department has participated with other of the state's utilities in Wind Turbine projects.

### **Springview Project:**

Grand Island first became involved with wind energy in 1998 with the development of the "Nebraska Distributed Wind Generation Project" or NDWG, often referred to as the "Springview Project" because of its proximity to that community in north central Nebraska. The project included two 750 kilowatt wind turbines installed near Springview, Nebraska. Half of the cost of the project was funded by a grant from the Electric Power Research Institute/Department of Energy-Turbine Verification Program. NDWG is a joint project among Nebraska utilities that includes Auburn Utilities, Grand Island Utilities, KBR Power District, Lincoln Electric System, the Municipal Energy Agency of Nebraska and Nebraska Public Power District. Grand Island has received an average of six megawatt hours of energy per month from NDWG. This is enough energy to supply approximately six houses for one month. Due to rising maintenance costs, increasing equipment failures and unit downtime, this facility was decommissioned in August of this year. Including the salvage value of the turbines, the final production cost was approximately \$23/megawatt hour. Currently, there are discussions underway to develop a project to install two new turbines at the Springview site.



### *Ainsworth Project:*

In addition to NDWG, Grand Island is also a participant in the Ainsworth Wind Energy Farm (AWEF) near Ainsworth, NE. This facility was constructed in 2005 and consists of thirty-six 1.65 megawatt turbines for a total project output of 59.4 megawatts. Grand Island has a one megawatt participation level in AWEF. AWEF is another joint project that is operated by Nebraska Public Power District, and includes participation by Omaha Public Power District, the Municipal Energy Agency of Nebraska, Grand Island Utilities, and JEA of Jacksonville, Florida. Since the start of AWEF, Grand Island has received an average of 293 megawatt hours of energy per month. This is enough energy to supply approximately 293 houses for one month. Currently, the total production cost of power received from AWEF is in the \$45 to \$55 per megawatt hour range.

## **Discussion**

The use of fossil fuels for electricity production is coming under increasing scrutiny at the national level and more restrictions and regulations are likely to be placed upon fossil fuels, particularly coal. With the City's primary energy supply being produced from coal, the overall rate impact from a carbon emission tax or other environmental regulations could be significant.

It is the recommendation of City Administration that the Utilities Department stay involved with the various renewable energy projects as they develop in the state. Two projects are in the evaluation stage of development for completion in the near future. Other projects are also likely to develop. The two new projects include the re-use of the Springview site and a new project development, the Elkhorn Ridge Wind Project. Elkhorn Ridge is located in northeast Nebraska, near the town of Bloomfield. Grand Island staff has had preliminary discussions with NPPD and other potential participants in the Elkhorn Ridge Wind Project. The parties proposing to construct the Elkhorn Ridge Project wish to maintain confidentiality concerning the details of the engineering design and financing of the project. To that end, the attached Confidentiality Agreement is required of parties interested in continuing participation in project development.

## **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 approved the Confidentiality Agreement to allow continued involvement in the Elkhorn Ridge Wind Project.

## **Sample Motion**

Move to approve the Confidentiality Agreement to continue involvement in the Elkhorn Ridge Wind Project.

## CONFIDENTIALITY AGREEMENT

This Confidentiality Agreement (the "Agreement"), dated as of **December 4, 2007**, is entered into by and between Elkhorn Ridge Wind, LLC on behalf of itself and its subsidiaries ("Elkhorn Ridge Wind") and Party2, on behalf of itself and its affiliates ("Party2") (each, a "Party", and collectively, the "Parties").

### WITNESSETH:

WHEREAS, the Parties wish to enter into discussions concerning **Elkhorn Ridge Wind Project, Bloomfield, Nebraska** (the "Potential Transaction"). Therefore, Elkhorn Ridge Wind will provide to Party2, and Party2 will provide to Elkhorn Ridge Wind, certain information that is either non-public, confidential or proprietary in nature.

NOW THEREFORE, for good and valuable consideration, including Elkhorn Ridge Wind's provision of such information to Party2, and Party2's provision of such information to Elkhorn Ridge Wind, the Parties agree as follows:

1. This Agreement shall cover any information (the "Information") provided by either Party ("Disclosing Party") to the other Party ("Receiving Party") regarding the Potential Transaction, including, without limitation, information with regard to current or projected assets, business strategies or projected financial information. Analyses, presentations or other materials prepared by a Party regarding the Potential Transaction shall be deemed to be Information provided by the other Party to the extent they contain Information provided by the other Party. Neither Party is obligated under this Agreement to provide Information to the other Party.
2. A Receiving Party may transmit the Information it received from the Disclosing Party to its subsidiaries and their respective employees, agents, partners, lenders, officers, directors and advisors (including, without limitation, attorneys, accountants, consultants and rating agencies) ("Representatives") provided such Representatives (i) need to know the Information for the sole purpose of evaluating the Potential Transaction and (ii) will preserve the confidentiality of the Information in accordance with the terms and provisions of this Agreement.
3. Unless otherwise agreed to herein, a Receiving Party shall not, unless authorized by the Disclosing Party, (i) distribute or disclose to any person, firm, entity, or corporation (other than its Representatives) any of the Information provided by the Disclosing Party (ii) permit any third party (other than its Representatives) to have access to such Information; or (iii) use such Information for any purpose other than for the purpose of pursuing the activities as contemplated herein.
4. In the event that a Receiving Party is requested in any proceeding to disclose any Information provided by a Disclosing Party, the Receiving Party will, to the extent permitted by law, give the Disclosing Party prompt notice of such request so that the Disclosing Party may seek an appropriate protective order, including any appeals at the expense of the Disclosing Party. If, in the absence of a protective order, the Receiving Party is nonetheless advised by its counsel reasonably that disclosure of the Information is required, the Receiving Party may disclose such Information without liability hereunder, provided that the Receiving Party promptly notifies, to the extent permitted by law, the Disclosing Party of any such disclosure.

5. This Agreement shall not restrict the release of any Information that the receiving Party can demonstrate:
  - a. has come within the public domain and is readily available through no fault or action by the receiving Party; or
  - b. was readily and lawfully available to the receiving Party on a non-confidential basis prior to the disclosure hereunder to the receiving Party; or
  - c. was developed independently by the receiving Party without reliance on the Information.
6. This Agreement does not obligate either Party to enter into any further agreements. This Agreement is not intended to create, and shall not be construed to create a partnership or other binding legal obligations between the Parties except with respect to the confidentiality of the Information as described herein.
7. All parties hereto agree that money damages would not be a sufficient remedy for any breach of this Agreement and that a disclosing party shall be entitled to injunctive or other equitable relief to remedy or prevent any breach or threatened breach of this Agreement. Such remedy shall not be the exclusive remedy for any breach of this Agreement, but shall be in addition to all other rights and remedies available at law or in equity. In the event of litigation or arbitration relating to this Agreement, if a court or arbitration panel of competent jurisdiction determines that a receiving party has breached this Agreement, such party shall be liable to the disclosing party for the amount of the reasonable legal fees incurred in connection with such litigation, including any appeal therefrom.
8. The Parties agree that if any provision of this Agreement is found to be unenforceable, the remaining provisions shall remain in full force and effect.
9. Any amendment to this Agreement must be in writing and approved by both Parties.
10. This Agreement shall be governed by the laws of the state of Nebraska, without giving effect to the provisions thereof relating to conflict of laws.
11. This Agreement shall be binding on all successors and assigns of each of the Parties and shall inure to the benefit of the respective successors and assigns of each Party. Nothing in this Agreement shall be deemed to create rights in or benefits for any third parties, however, no assignment, sale, or encumbrance of either Party's position with regard to this Agreement shall be made without the prior written approval of the other Party.
12. Titles or captions of paragraphs or subparagraphs contained in this Agreement are inserted only as a matter of convenience and for reference, and in no way define, limit, extend, or describe the scope of this Agreement or the intent of any provision hereof.
13. All notices with regard to this Agreement should be forwarded, if intended for Elkhorn Ridge Wind, to:

Elkhorn Ridge Wind, LLC  
c/o Midwest Wind Energy, LLC

Attn: Stefan A. Noe  
  
Address : 211 E. Ontario Street, Suite 1720  
Chicago, IL 60611  
  
Telephone: (617) 912-6054  
Fax: (617) 912-6003  
e-mail: mblasik@edisonmission.com

If intended for Party2, to:

City of Grand Island  
Attn: Travis Burdett, Assistant Utilities Director  
  
Address : PO Box 1968  
Grand Island, NE 68802-1968  
  
Telephone: (308)385-5466  
Fax: (308)385-5449

14. This Agreement may be signed in counterpart, each of which when taken together shall constitute one and the same instrument.
15. The terms and conditions and the existence of this agreement shall remain confidential unless and until mutually agreed otherwise by the Parties.
16. This Agreement shall expire two years from the date hereof.
17. This Agreement contains the entire agreement of the parties hereto with respect to its subject matter.
18. Notwithstanding any other provision contained herein, each Party (and their respective Representatives) may disclose to any persons, without limitation of any kind, the tax treatment and tax structure of the transaction and all materials of any kind (including opinions and other tax analyses) that are provided to the taxpayer relating to such tax treatment and tax structure; provided that, with respect to any document or similar item that contains information concerning the tax treatment or tax structure of the transaction as well as other information, this sentence shall only apply to such portions of the document or similar item that relate to the tax treatment or tax structure of the transactions, and provided further, that each Party recognizes that the obligation or privilege each has to maintain, in its sole discretion, the confidentiality of a communication relating to the transaction, including a confidential communication with its attorney or a confidential communication with a federally authorized tax practitioner under Section 7525 of the Internal Revenue Code, is not intended to be affected by the foregoing. To the extent not inconsistent with the immediately preceding sentence, neither Party may disclose (except as required by law or pursuant to the tax shelter regulations under Internal Revenue Code sections 6011, 6111 or 6112) to any person or entity (other than its Representatives) (a) the existence and status of any ongoing negotiations between the Parties concerning a possible transaction; (b) any specific pricing information in connection with the transaction; (c) any of the specific properties or assets involved in the transaction (other than generic properties or assets relating to the structure of the transaction) and (d) the identity of any participants in

the transaction.

19. Within a reasonable time following the receipt of a written request from the Disclosing Party, the Receiving Party shall deliver to the Disclosing Party or destroy all Information the Receiving Party received from the Disclosing Party, together with a certificate attesting to such return or destruction if so requested by the Disclosing Party.
20. Any waiver shall be only effective for the particular instance for which it is granted and shall not constitute a waiver of a subsequent occurrence of the waived event nor constitute a waiver of any other provision hereof, at the same time or subsequently.

IN WITNESS WHEREOF, each of the Parties has caused this Agreement to be executed by its respective duly authorized representative as of the date first noted above.

Elkhorn Ridge Wind, LLC

By: \_\_\_\_\_

Name:

Title:

City of Grand Island

By: \_\_\_\_\_

Name: Margaret Hornady

Title: Mayor

RESOLUTION 2007-312

WHEREAS, Since 1998, the Grand Island Utilities Department has participated with various state utilities departments in Wind Turbine Projects to secure the most cost effective form of renewable energy; and

WHEREAS, it is in the best interests of the City to continue participation of various renewable energy projects as they develop; and

WHEREAS, in order to secure the information exchanged, and to comply with the National Electric Reliability Council's standards prohibiting the disclosure of information that may be used to gain an unfair advantage in electric power markets, it is recommended that a confidentiality agreement be entered into between the parties; and

WHEREAS, the confidentiality agreement would authorize NPPD, the City's Utility Department and other participants to disclose to one another as well as their Reliability Coordinator, as required under applicable National Electric Reliability Council reliability standards, real-time power system reliability data for all points; and

WHEREAS, the proposed agreement has been reviewed and approved by the City Attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Confidentiality Agreement between the City, other participants, and the Nebraska Public Power District for Electric System Reliability Data 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, December 4, 2007.

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Margaret Hornady, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
November 29, 2007	☐ City Attorney



# **City of Grand Island**

**Tuesday, December 04, 2007**

**Council Session**

## **Item G7**

**#2007-313 - Approving Purchase of Furniture for Law  
Enforcement Center**

**Staff Contact: Steve Lamken**



# **Council Agenda Memo**

**From:** Captain Robert Falldorf, Police Department

**Meeting:** December 4, 2007

**Subject:** Purchase of Furniture for New Law Enforcement Center

**Item #'s:** G-7

**Presenter(s):** Steve Lamken, Chief of Police

## **Background**

On 9-11-07 the Grand Island City Council adopted resolution #2007-212 for the purchase of office furnishings for the new Law Enforcement Center. Sealed bids were received and low bids were awarded to Eakes Office Supply, Office Net, Surroundings of Omaha and KI International. The total low bid amount for office furnishings from the four companies listed above was \$142,393.81 and Office Net's portion of that total was \$50,003.37.

## **Discussion**

On or about 10-24-07 the police department received an order acknowledgement from Allsteel Furnishings, which is a portion of the office furnishings we were purchasing through Office Net (Office Net carries the Allsteel brand). We learned at that time that Office Net wasn't able to invoice us for the full amount of their bid award and that we would actually be receiving two different invoices for the office furnishings they bid, one invoice from Office Net for \$27,549.69 and one invoice from Allsteel for \$22,453.68, for the total of \$50,003.37. Since Allsteel wasn't listed in the initial resolution as a vendor supplying office furnishings, the police department is requesting an additional resolution from council including Allsteel as a vendor for their share of \$22,453.68. This will not change the total previously approved amount listed above of \$142,393.81.

## **Alternatives**

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

1. Approve the purchase of office furnishings from Allsteel for \$22,453.68.
2. Send to committee for further discussion.

3. Table for more discussion.
4. Take no action.

### **Recommendation**

City Administration recommends that the Council approve the purchase of office furnishings for the new Law Enforcement Center through Allsteel in the amount of \$22,453.68.

### **Sample Motion**

Move to approve the purchase of office furnishings for the new Law Enforcement Center through Allsteel in the amount of \$22,453.68.

RESOLUTION 2007-313

WHEREAS, on September 11, 2007, by Resolution 2007-212, the City of Grand Island awarded the bid for the purchase of office furnishings for the Law Enforcement Center; and

WHEREAS, it has been determined that an additional vendor, Allsteel, will be invoicing the city for the purchase of furniture for the Law Enforcement Center in the amount of \$22,453.68 as part of the bid from Office Net in the original amount; and

WHEREAS, the addition of Allsteel as a vendor does not affect the total amount of the original bid amount.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor be, and hereby is, authorized and directed to include Allsteel as an additional vendor for the purchase of furniture for the Law Enforcement Center in the amount of \$22,453.68 and Office Net for the remainder of the original award equal to \$27,549.69.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, December 4, 2007.

\_\_\_\_\_  
Margaret Hornady, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk



# **City of Grand Island**

**Tuesday, December 04, 2007**

**Council Session**

## **Item G8**

**#2007-314 - Approving Application for Safe Routes to School  
Program Funds for Independence Trail**

**Staff Contact: Steven P. Riehle, City Engineer/Public Works Direc**

# **Council Agenda Memo**

**From:** Steven P. Riehle, Public Works Director

**Meeting:** December 4, 2007

**Subject:** Approving Application for Safe Routes to School  
Program Funds for Independence Trail

**Item #'s:** G-8

**Presenter(s):** Steven P. Riehle, Public Works Director

## **Background**

The Nebraska Department of Roads (NDOR) administers the federal funds for the Safe Routes To Schools (SRTS) program for Infrastructure projects such as sidewalk & street crossing improvements, traffic diversion, bicycle facilities, etc. and Non-Infrastructure projects such as promotional materials & activities, student bicycle & pedestrian safety education, etc. The projects must enable and encourage K-8 school children to safely walk and bike to school. The program focuses on promoting physical activity & improving health by encouraging children to walk & bike to school, making routes to school safe, and reducing traffic congestion around schools.

A maximum of \$250,000 is available per project to communities, schools and other local entities. SRTS projects can be 100 percent funded by the program, but local matches increase the strength of an application.

The City of Grand Island (Public Works and Community Development) is partnering with Grand Island Public Schools, Northwest High School, Central District Health Department, and Tri-Cities Safe Kids on the a project titled the "Independence Trail". The Grand Island Police Department and School Resource Officers will play important roles in the success of the project when complete.

Grants were requested in 2 categories, Infrastructure and Non-Infrastructure.

### **Infrastructure Grant Application**

We requested \$250,000 for Infrastructure funds for the trail plus a \$30,000 local match. The infrastructure part of the project is for a trail along the west side of Independence Ave from the old Westridge Middle School (new Engleman Elementary) at Manchester Road to George Park and then continuing along Independence Avenue across Capital

Avenue to Woodland Park Subdivision, then along the edge of the subdivision to Northwest High School.

#### Non-Infrastructure Grant Application

We requested \$35,076.12 for a Non-Infrastructure project plus a \$8,538.72 local match. The Non-Infrastructure part of the project is for education, enforcement, and encouragement to complement Infrastructure improvements. The Central District Health Department is facilitating the Non-Infrastructure application.

This is the third step in the application process for Safe Routes to Schools. In August 2007, the City submitted an Intent to Apply application to construct a Hike & Bike Trail extension from the existing Shoemaker Trail at the southeast corner of the old Westridge Middle School (new Engleman Elementary School) to George Park and then up to North West High School. A Draft application was submitted to the Department of Roads in October. The City was invited to submit Final applications for both the Infrastructure and the Non-Infrastructure projects. The final applications are due on December 7th.

### **Discussion**

Sinclair Hille Architects is the Nebraska Department of Roads Project Coordinator Consultant for the SRTS program. A grant review meeting was held with a project coordinator from Sinclair Hille on November 19<sup>th</sup>. At the meeting, the location for the trail was shifted to the west side of Independence, requiring filling in the west ditch of Independence north of Manchester Avenue, thus increasing the project cost significantly.

The project coordinator said they have 70 applicants and only \$1.0 million in available funding. The projects are being considered as one, so the cap on funding is \$250,000 for the total of both projects. To keep under the \$250,000 limit and to increase our chance for the project to be funded, the proposed Infrastructure project is being shortened to build a trail along the west side of Independence Avenue from Manchester Road to George Park. The trail segments from the existing Shoemaker Trail to the Manchester Road and Independence Avenue intersection and from Capital Avenue to Northwest High School were removed from the grant application to lower the cost.

If the grants are approved, the projects could be completed in 2009.

### **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 Safe Routes to Schools Infrastructure and Non-Infrastructure grant applications and authorize the Mayor to sign all related documents for the projects.

## **Sample Motion**

Move to approve submission of the proposed Infrastructure and Non-Infrastructure grant applications and authorize the Mayor to sign all related documents for the projects.



## Infrastructure Project Request (Draft Application Form)

**For Office Use Only**

Date Received: \_\_\_\_\_

<b>1.</b>	APPLICANT NAME: City of Grand Island	TYPE OF APPLICANT (Check One):			
		<input type="checkbox"/> Village	<input checked="" type="checkbox"/> City	<input type="checkbox"/> County	<input type="checkbox"/> School
		<input type="checkbox"/> NRD	<input type="checkbox"/> State	<input type="checkbox"/> School District	<input type="checkbox"/> Other
<b>2.</b>	APPLICANT CONTACT PERSON: Steve Riehle		FAX NUMBER: (308) 385-5423		
	MAILING ADDRESS: (Street) P.O. Box 1968 (100 E. 1 <sup>st</sup> St.)	CITY: Grand Island	STATE: NE	ZIP: 68801	
	DAYTIME PHONE: (308) 385-5444	E-MAIL: sriehle@grand-island.com			
<b>3.</b>	CONTACT PERSON: (Print Name & Title) Steve Riehle, Public Works Director/City Engineer		SIGNATURE		DATE: 10-18-2007
<b>4.</b>	APPLICANT: (Print Name & Title) Margaret Hornady, Mayor		SIGNATURE		DATE: 10-18-2007

<b>5.</b>	PROJECT NAME: (Example: Rushville Safe Routes Project; Hawthorne Elementary School Routes) INDEPENDENCE TRAIL (formerly called CAPITAL HEIGHTS PROJECT)
<b>6.</b>	<p>PROJECT DESCRIPTION/LOCATION: (Include location, work to be performed, attach map and aerial image)</p> <p>The City of Grand Island Community Development, Parks, Police, &amp; Public Works Departments; Grand Island Public Schools; Northwest School District; Central District Health Department; and Safe Kids Tri-Cities are participating in the school route project, Independence Trail. The trail will extend the existing Shoemaker Trail and complete a connection between Shoemaker Elementary, the New Engleman Elementary, the New Westridge Middle School, Northwest High School and George Park. The off-street trail will start at the Old Westridge Middle School that is soon to be remodeled into the new Engleman Elementary School. The trail will continue along Independence Avenue, weave through the edge of George Park, continue north along Independence Avenue and connect to Northwest High School through Woodland Park Subdivision. Independence Trail connects to the school route that was incorporated into the design of a new northwest Grand Island Westridge Middle School. The New Westridge was placed along the Shoemaker Trail to complement the School Route Plan, improve pedestrian and biker safety, and encourage students to walk and bike to school. The proposed project will 1) provide a continuous walking/biking trail on one side of the street, 2) improve pedestrian and biker safety along streets that carry significant volumes of traffic, 3) connect 4 schools to George Park with a safe, off-street trail, and 4) enhance the existing School Route Plan. Independence Trail is a great multi-use opportunity for Grand Island youth, families, parks and schools.</p>



	<p>a) <b>CURRENT WALK/BICYCLE CONDITIONS:</b>  The area was developed prior to being annexed into the city with asphalt streets, open ditches and no curb &amp; gutter. Sidewalks that tie the neighborhood to the schools and park are almost non-existent. Pedestrians are often required to walk in the street, walk in the ditches, or cross the street if a sidewalk is available. School related motor vehicular traffic in the area is significant with no school bussing available in Grand Island. Many Northwest High School Students also drive to school further adding to the congestion. There are four existing schools west of US Highway 281 in Grand Island with over 1,500 students walking, biking, driving, or relying on a driver for transportation. Recent traffic counts near the high school and Capital Avenue were 3,000 vehicles per day. Traffic counts near the new Westridge Middle School were 1,100 vehicles per day.</p> <p>The school system is making sidewalk and even some trail enhancements as part of their work at the New Westridge and New Engleman. In response to parent, school staff, and community concerns for student safety, the school is also modifying vehicular traffic flow at the New Engleman to make walking and biking conditions safer.</p> <p>b) <b>SCHOOL AND STUDENT DEMOGRAPHICS:</b>  Free and reduced lunch students comprise about 26% of the total 1,500 student population of all four schools, with Shoemaker Elementary reporting the largest percentage at 48.5%. The four schools further report an average of 12.25% of their students as minority, with Shoemaker Elementary again reporting the largest percentage at 25% (60 students.) The majority of the student population in the area is concentrated between the elementary and middle schools. Consequently, K-8 students will receive the bulk of education and encouragement to use the trail to get to school and to George Park. The existing Westridge Middle School has many activities that involve the use of George Park. Having a trail that connects the schools to themselves and to George Park will open new opportunities for collaborative programs and activities.</p> <p>It is possible that activities may be scheduled that would require Shoemaker Elementary students to walk to the new Westridge or Engleman Elementary students may walk to the new Westridge. The distance between the new Westridge and the new Engleman is shorter than between Westridge and Shoemaker. Therefore, since the new Westridge has a football field and track (which the old Westridge did not have), it is quite possible that students from Shoemaker or Engleman could walk to Westridge to watch middle school siblings participating in sports events)</p> <p>c) <b>DESCRIBE HOW THE PROJECT WILL ENABLE &amp; ENCOURAGE K-8 STUDENTS TO WALK AND BICYCLE TO SCHOOL:</b>  1) The Engineering for the project will increase safety for walking/biking students. Infrastructure changes at the new Engleman and Westridge schools will improve pedestrian safety and help traffic flow resulting in less traffic congestion. This will create a physical environment that is more conducive to walking/biking to and from school. 2) The Educational campaign will enlist students in its design and implementation. Middle school activities will capitalize on middle school behaviors of behavioral autonomy, value autonomy, and the strong need to belong to a peer group. Elementary activities will mirror middle school themes to some degree, but will be tailored to fit elementary age social development and necessarily target parents who serve as decision makers for this age group. 3) Encouragement for all age levels will come from parents and faculty in promoting healthy behaviors, thereby shifting the community norm from transporting children to school by car to a new norm of walking/biking. 4) Enforcement and enhanced traffic surveillance by law enforcement will further ensure safety for walking/biking by increasing community adherence to traffic laws and walking/biking rules. 5) Evaluation will show the effectiveness of infrastructure changes and measure the level of behavioral/attitude changes in walking/biking students. Parent/student completion of an evaluation instrument will provide post-intervention data and remind both of the benefits of walking/biking as healthy, safe transportation options..</p>	
7.	<b>PROJECT COST</b> TOTAL: \$280,000 FEDERAL FUNDS REQUESTED: \$250,000	
8.	<b>ADDITIONAL FUNDS:</b> <i>(If yes, please describe)</i> <input checked="" type="checkbox"/> yes City of Grand Island <input type="checkbox"/> no	<b>PERCENTAGE OF TOTAL PROJECT COST:</b> 10.7%
9.	<b>PROJECT TYPE:</b> <input type="checkbox"/> Traffic Calming or Speed Reduction Improvements <input type="checkbox"/> Pedestrian and bicycle crossing improvements <input type="checkbox"/> Sidewalk improvements <input checked="" type="checkbox"/> Off-street bicycle and pedestrian facilities <input type="checkbox"/> Secure bicycle parking facilities <input type="checkbox"/> Traffic diversion improvements in the vicinity of schools	

**Attach the following required items:**

- **Budget** (see sample budget)
- **School Route Plan Map** (8 ½ x 11 only--include project location/alignment, street names, north arrow, points of interest--see Appendix C within *Application Guidelines*)
- **Aerial image** (8 ½ x 11 only—aerial images can be obtained at <http://dnrmap2.dnr.state.ne.us/website/doqviewer/viewer.htm>)



## Noninfrastructure Project Request (Draft Application Form)

**For Office Use Only**

Date Received: \_\_\_\_\_

<b>1.</b>	APPLICANT NAME: City of Grand Island	TYPE OF APPLICANT <i>(Check One)</i> : <input type="checkbox"/> Village <input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> School <input type="checkbox"/> NRD <input type="checkbox"/> State <input type="checkbox"/> School District <input type="checkbox"/> Other			
<b>2.</b>	APPLICANT CONTACT PERSON: Steve Riehle	FAX NUMBER: (308) 385-5423			
	MAILING ADDRESS: <i>(Street)</i> P.O. Box 1968	CITY: Grand Island	STATE: NE	ZIP: 68801	
	DAYTIME PHONE: (308) 385-5444	E-MAIL: sriehle@grand-island.com			
<b>3.</b>	CONTACT PERSON: <i>(Print Name &amp; Title)</i> Steven Riehle, Public Works Director/City Engineer	SIGNATURE			DATE: October 18, 2007
<b>4.</b>	APPLICANT: <i>(Print Name &amp; Title)</i> Margaret Hornady, Mayor	SIGNATURE			DATE: October 18, 2007

<b>5.</b>	PROJECT NAME: <i>(Example: Ogallala Public Schools Walk to School Day; Ralston Crossing Guard Training Program)</i> INDEPENDENCE TRAIL <i>(Previously called CAPITAL HEIGHTS PROJECT)</i>
<b>6.</b>	PROJECT DESCRIPTION/LOCATION: <i>(Include location, work to be performed, and attach map )</i> The City, Grand Island & Northwest School Districts, Central District Health Department, and Safe Kids Tri-Cities are participating on the school route project, Independence Trail. The trail will extend the existing Shoemaker Trail and complete a connection to two elementary schools, a middle school, Northwest High School and George Park. The off-street trail will start at the old Westridge Middle School that is soon to be remodeled into the new Engleman Elementary School. The trail will continue along Independence Avenue, weave through the edge of George Park, continue north along Independence Avenue to Woodlawn Park Subdivision, and connects to Northwest High School through Woodland Park Subdivision. Independence Trail connects to the school route that was incorporated into the design of a new northwest Grand Island Westridge Middle School. The new Westridge was placed along the Shoemaker Trail to complement the School Route Plan, improve pedestrian and biker safety, and encourage students to walk and bike to school. The proposed project will 1) provide continuous walking/biking trail on one side of the street, 2) improve pedestrian and biker safety along streets that carry significant volumes of traffic, 3) connect 4 schools to George Park with a safe, off-street trail, and 4) enhance the existing School Route Plan. Independence Trail is a great multi-use opportunity for northwest Grand Island youth and families.

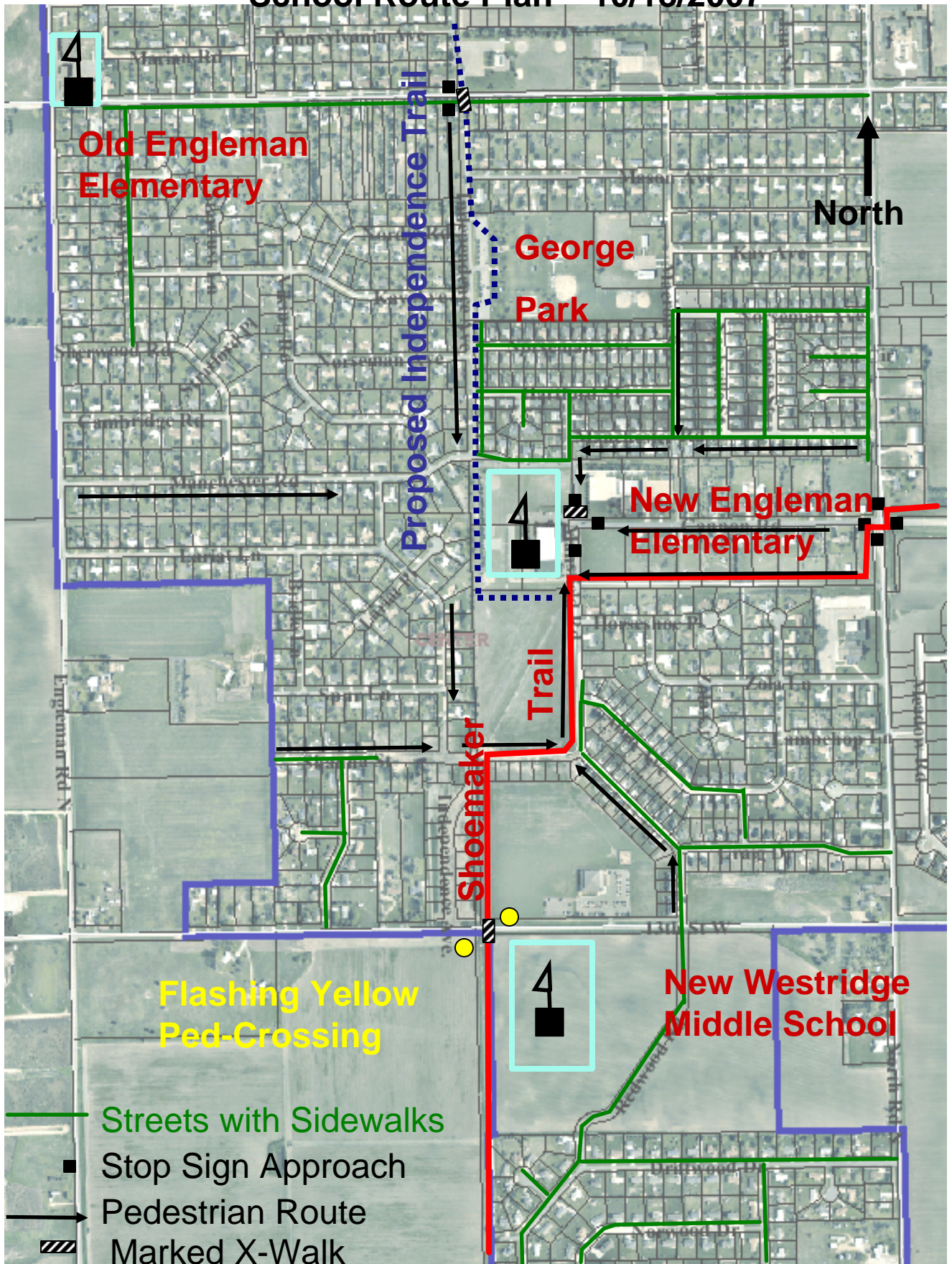
	<p>a) <b>CURRENT WALK/BICYCLE CONDITIONS:</b>  The area was developed prior to being annexed into the city with asphalt streets, open ditches and no curb &amp; gutter. Sidewalks that tie the neighborhood to the schools and park are almost non-existent. Pedestrians are often required to walk in the street, walk in the ditches, or cross the street if a sidewalk is available. School related motor vehicular traffic in the area is significant with no school bussing available in Grand Island. Many Northwest High School Students also drive to school further adding to the congestion. There are four existing schools west of US Highway 281 in Grand Island with over 1,500 students walking, biking, driving, or relying on a driver for transportation. Recent traffic counts near the high school and Capital Avenue were 3,000 vehicles per day. Traffic counts near the new Westridge Middle School were 1,100 vehicles per day.</p> <p>The school system is making sidewalk and even some trail enhancements as part of their work at the New Westridge and New Engleman. In response to parent, school staff, and community concerns for student safety, the school is also modifying vehicular traffic flow at the New Engleman to make walking and biking conditions safer.</p> <p>b) <b>SCHOOL AND STUDENT DEMOGRAPHICS:</b>  Free and reduced lunch students comprise about 26% of the total 1,500 student population of all four schools, with Shoemaker Elementary reporting the largest percentage at 48.5%. The four schools further report an average of 12.25% of their students as minority, with Shoemaker Elementary again reporting the largest percentage at 25% (60 students.) The majority of the student population in the area is concentrated between the elementary and middle schools. Consequently, K-8 students will receive the bulk of education and encouragement to use the trail to get to school and to George Park. The existing Westridge Middle School has many activities that involve the use of George Park. Having a trail that connects the schools to themselves and to George Park will open new opportunities for collaborative programs and activities.</p> <p>It is possible that activities may be scheduled that would require Shoemaker Elementary students to walk to the new Westridge or Engleman Elementary students may walk to the new Westridge. The distance between the new Westridge and the new Engleman is shorter than between Westridge and Shoemaker. Therefore, since the new Westridge has a football field and track (which the old Westridge did not have), it is quite possible that students from Shoemaker or Engleman could walk to Westridge to watch middle school siblings participating in sports events)</p> <p>c) <b>DESCRIBE HOW THE PROJECT WILL ENABLE &amp; ENCOURAGE K-8 STUDENTS TO WALK AND BICYCLE TO SCHOOL:</b>  1) The Engineering for the project will increase safety for walking/biking students. Infrastructure changes at the new Engleman and Westridge schools will improve pedestrian safety and help traffic flow resulting in less traffic congestion. This will create a physical environment that is more conducive to walking/biking to and from school. 2) The Educational campaign will enlist students in its design and implementation. Middle school activities will capitalize on middle school behaviors of behavioral autonomy, value autonomy, and the strong need to belong to a peer group. Elementary activities will mirror middle school themes to some degree, but will be tailored to fit elementary age social development and necessarily target parents who serve as decision makers for this age group. 3) Encouragement for all age levels will come from parents and faculty in promoting healthy behaviors, thereby shifting the community norm from transporting children to school by car to a new norm of walking/biking. 4) Enforcement and enhanced traffic surveillance by law enforcement will further ensure safety for walking/biking by increasing community adherence to traffic laws and walking/biking rules. 5) Evaluation will show the effectiveness of infrastructure changes and measure the level of behavioral/attitude changes in walking/biking students. Parent/student completion of an evaluation instrument will provide post-intervention data and remind both of the benefits of walking/biking as healthy, safe transportation options..</p>	
7.	<b>PROJECT COST</b> TOTAL: \$43,614.84 FEDERAL FUNDS REQUESTED: \$35,076.12	
8.	<b>ADDITIONAL FUNDS: (If yes, please describe)</b> <input checked="" type="checkbox"/> yes \$8,538.72 from Central District Health Department <input type="checkbox"/> no	<b>PERCENTAGE OF TOTAL PROJECT COST:</b> 19.5%
9.	<b>PROJECT TYPE:</b> <input type="checkbox"/> Public awareness campaigns and outreach to press and community leaders <input type="checkbox"/> Traffic education and enforcement in the vicinity of schools <input checked="" type="checkbox"/> Student sessions on bicycle and pedestrian safety, health, and environment <input type="checkbox"/> Funding for training, volunteers, and managers of safe routes to school programs	

**Attach the following required items:**

- **Budget** (see sample budget)
- **Project Schedule**
- **School Route Plan Map** (8 ½ x 11 only--include project location/alignment, street names, north arrow, points of interest--see Appendix C within *Application Guidelines*)

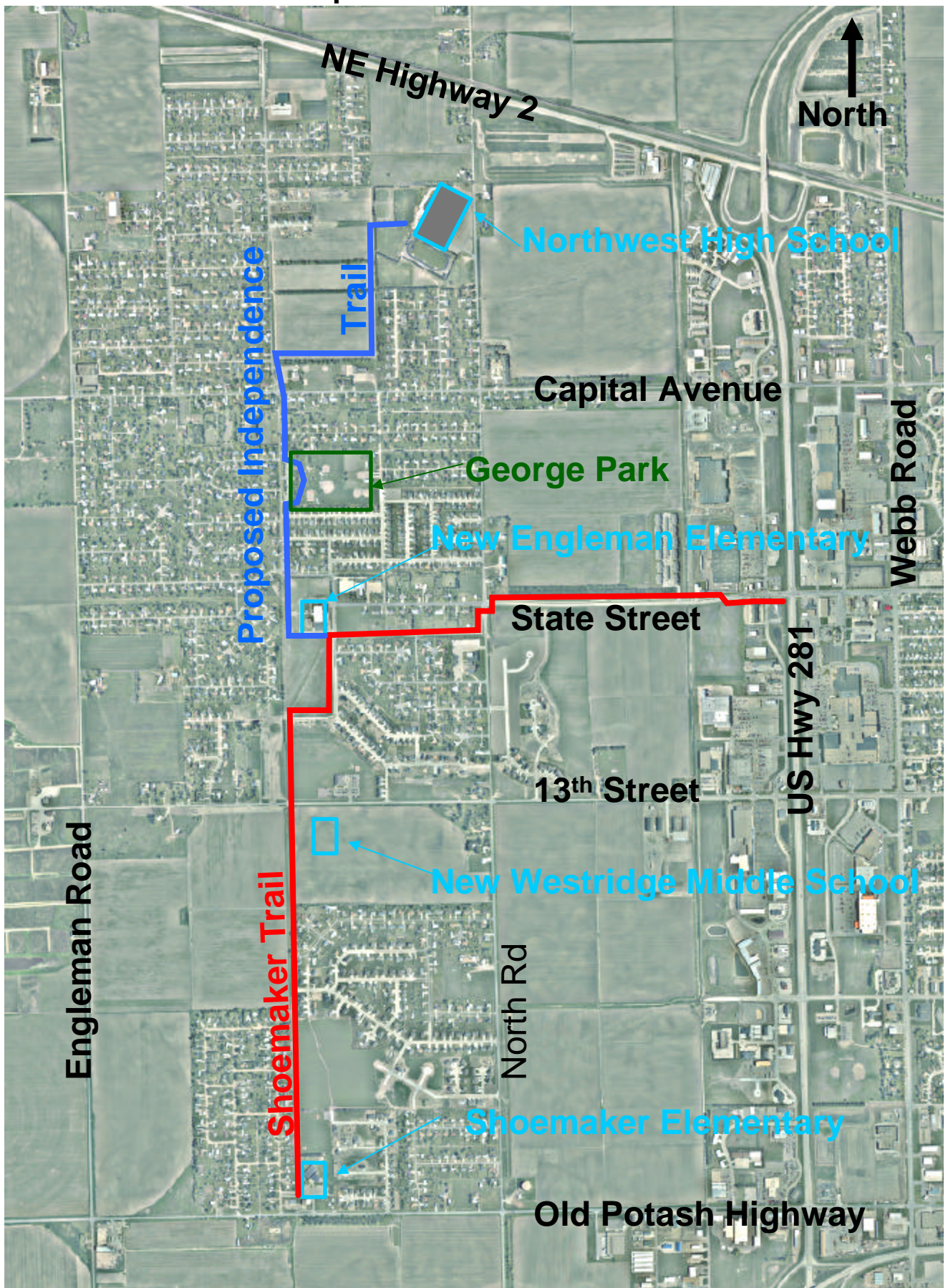


# School Route Plan – 10/18/2007





# Independence Trail – 10/18/2007



RESOLUTION 2007-314

WHEREAS, In 2006 the Nebraska Department of Roads instituted the Safe Routes to Schools program to fund infrastructure and non-infrastructure projects to enable and encourage kindergarten through eighth grade children to safely walk and ride their bicycles to school; and

WHEREAS, the City of Grand Island is partnering with Grand Island Public Schools, Northwest High School, Central District Health Department and Safe Kids Tri Cities on the "Independence Trail" project; and

WHEREAS, the City of Grand Island was invited to submit final applications for Infrastructure and Non-Infrastructure projects for the "Independence Trail" project; and

WHEREAS, the Nebraska Department of Roads requires that the final application for the grant be submitted by December 7, 2007; and

WHEREAS, the proposed applications and supporting documents were made available for public review at a properly announced meeting of the Grand Island City Council; and

WHEREAS, the Safe Routes to Schools program is 100% funded by the federal government and requires no matching funds from the City of Grand Island; and

WHEREAS, \$18,924.00 of local funds and \$19,614.72 of in-kind donations are being made available to strengthen the application; and

WHEREAS, the City of Grand Island has funds available to finance the activity until reimbursed by the Safe Routes to School Program, and has the financial capability to operate, maintain and manage the completed project in a safe and attractive manner for public use.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island, Nebraska, is hereby authorized to apply for the Safe Routes to School Grant to fund the Infrastructure and Non-Infrastructure projects for the "Independence Trail" project.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such grant application and other documentation on behalf of the City of Grand Island for such grant purposes.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, December 4, 2007.

Margaret Hornady, Mayor

Attest:

Approved as to Form	☐ _____
November 29, 2007	☐ City Attorney

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, December 04, 2007

Council Session

## Item G9

**#2007-315 - Approving Authorization for Emergency Sanitary  
Sewer Repair East of the Wet Well at the Waste Water Treatment  
Plant**

Staff Contact: Steven P. Riehle, City Engineer/Public Works Direc



# **Council Agenda Memo**

**From:** Steven P. Riehle, Public Works Director

**Meeting:** December 4, 2007

**Subject:** Approving Authorization for Emergency Sanitary Sewer Repair at the Wastewater Treatment Plant

**Item #'s:** G-9

**Presenter(s):** Steve Riehle, Public Works Director

## **Background**

The Wastewater Division of the Grand Island Public Works Department is performing emergency repairs to a section of 21" reinforced concrete sanitary sewer process pipe at the plant that failed on Wednesday, November 21<sup>st</sup>. The concrete pipe serves in-plant processes and is essential to the operation of the Waste Water Treatment Plant.

## **Discussion**

The cost of the work is expected to exceed \$20,000, therefore we are requesting permission to use the emergency procurement procedures as outlined in Section 27-13 of the City Code. The Diamond Engineering Company of Grand Island, Nebraska was hired by means of a purchase order to perform the necessary repairs to the sanitary sewer pipe. Contact was made with O'Hara Plumbing and Starostka Group. Both were unable to schedule their crews thus they declined to perform the work. The contractor will be paid based on time and materials actually incorporated into the repair work.

## **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 use of the City's emergency procurement procedures and pass a resolution authorizing The Diamond Engineering Company of Grand Island, Nebraska to perform the repairs.

### **Sample Motion**

Move to approve the use of emergency procurement procedures and authorize The Diamond Engineering Company of Grand Island, Nebraska to perform the repairs.

RESOLUTION 2007-315

WHEREAS, the Waste Water Division of the Public Works Department needed emergency sanitary sewer repairs for the sanitary sewer process pipe east of the Wet Well at the Wastewater Treatment Plant; and

WHEREAS, the estimated cost is expected to exceed \$20,000.00 (actual cost based on time and materials); and

WHEREAS, The Diamond Engineering Company of Grand Island, Nebraska, has been requisitioned to do said repairs; and

WHEREAS, two other contractors were contacted and were not able to respond immediately.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that an emergency existed and that the sanitary sewer repair for the sanitary sewer process pipe east of the Wet Well at the Wastewater Treatment Plant by the Diamond Engineering Company of Grand Island, Nebraska, with an estimated cost to exceed \$20,000.00 is hereby approved.

BE IT FURTHER RESOLVED that the purchase order for such project on behalf of the City of Grand Island is hereby ratified.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, December 4, 2007.

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Margaret Hornady, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
November 30, 2007	☐ City Attorney



# **City of Grand Island**

**Tuesday, December 04, 2007**

**Council Session**

## **Item G10**

**#2007-316 - Approving Changes to Speed Limits on Bismark Road  
and Shady Bend Road**

**Staff Contact: Steven P. Riehle, City Engineer/Public Works Direc**

# **Council Agenda Memo**

**From:** Steven P. Riehle, Public Works Director

**Meeting:** December 4, 2007

**Subject:** Approving Changes to Speed Limits on Bismark Road East of Stuhr Road and on Shady Bend Road North of Bismark Road

**Item #'s:** G-10

**Presenter(s):** Steven P. Riehle, Public Works Director

## **Background**

A request to lower the speed limit on Shady Bend Road north of Bismark Road from 50 mph to 35 mph was received in February 2007. The Engineering Division of the Public Works Department performed a speed study that indicated the existing 50 mph speed limit was appropriate for this section of Shady Bend Road. In November 2007 the Engineering Division of the City of Grand Island's Public Works Department in conjunction with the Hall County Surveyor/Highway Superintendent, Grand Island Police Department and the Hall County Sherriff's Department performed a traffic engineering speed study on Shady Bend Road north of Bismark Road that included a traffic accident review. A copy of the study is attached.

## **Discussion**

At the conclusion of the study the following recommendations were made:

<b>Street</b>	<b>From</b>	<b>To</b>	<b>Speed</b>		<b>Limits</b>
			<b>Existing</b>	<b>Proposed</b>	
Bismark Road	Stuhr Road	400 feet east of Stuhr Road (City Limit)	55		45
Shady Bend Road	Arabian Circle (City Limit)	Bronco Road (City Limit)	50		45
Shady Bend Road	Approximately 1/2 mile north of Bismark Road (City Limit)	231 feet south of Gregory Avenue (City Limit)	50		45

The Hall County Board of Supervisors approved 45 mph speed limits for sections of Bismark Road and Shady Bend Road adjacent to the sections inside the city limits.

## **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 making the speed limit adjustments recommended by the Engineering Division of the Public Works Department.

## **Sample Motion**

Move to approve a resolution making the speed limit adjustments recommended by the Engineering Division of the Public Works Department.

TRAFFIC ENGINEERING SPEED LIMIT STUDY  
SHADY BEND ROAD  
BETWEEN BURLINGTON NORTHERN SANTA RAILROAD TRACKS  
TO  
200' SOUTH OF GREGORY AVENUE

November 5, 2007

**Request**

Both the City of Grand Island and Hall County have received requests to lower the speed limit to 35 miles per hour for the section of Shady Bend Road from Bismark Road to the Wood River Bridge located approximately ½ mile to the north.

**Traffic Engineering Speed Study**

A traffic engineering speed study is required before changes to the existing speed limits can be considered. The engineering division of the City of Grand Island Public Works Department is performing this speed study in cooperation with the Hall County Surveyor/Superintendent and consultation with the Grand Island Police Department and the Hall County Sheriff.

**Manual of Uniform Traffic Control Devices**

23 CFR 655.603 adopts the Manual on Uniform Traffic Control Devices (MUTCD) as the national standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel. The Federal Highway Administration (FHWA) has endorsed the MUTCD (<http://mutcd.fhwa.dot.gov>). Applicable sections of the MUTCD are included for reference as attachment # 1. The Nebraska Department of Roads (NDOR) has adopted and implemented a supplemented MUTCD (<http://www.dor.state.ne.us/traffeng/mutcd/MUTCD-2005.pdf>). The NDOR requires all traffic control devices erected by local authorities to conform with the MUTCD.

**Existing Roadway**

Shady Bend Rd. is a 24' wide asphalt North-South mile section line road that is used for a cut off between US Highway #30 and US Highway #34. The study section has portions in the Grand Island City Limits and portions in Hall County. There is no parking along the roadway, sight distance is adequate and vehicle turning volumes are light.

**Existing Speed Limits**

The area is posted at 50 MPH which is 5 MPH lower than the 55 MPH which is set by State of Nebraska Statutes. State Statutes on Rules of the Road, Authority and speed limits is included as attachment # 2. A map of speed limits inside the Grand Island city limits is included as attachment # 3.

**Accident History**

The accidents in the area are concentrated at the intersection of Shady Bend Road and Bismark Road. A separate study is being conducted to review the warrants for a stop sign at the intersection.

**Speed Survey**

A speed limit survey was performed on February 21, 2007. The survey showed an 85<sup>th</sup> percentile speed of 54.0 MPH with 8.8% of vehicles exceeding 55 MPH. See attached chart showing the results of the speed survey (attachment # 4). The data sheet from the speed survey is included as attachment # 5.

### **Traffic Counts**

Traffic counts were taken for this section of roadway on Wednesday, February 21, 2007. The A.M. peak hour for traffic was 7:30 a.m. with 100 vehicles and the P.M. peak hour for traffic was 4:45 p.m. with 141 vehicles. The 24 hour traffic count was 1,365 vehicles per day. Trucks comprised 149 (10.9%) of the vehicle counts.

### **Pedestrian Activity**

Pedestrian activity is light because there are not very many pedestrian traffic generators in the area. The Seventh Day Adventist school that is located in the study area is no longer used. There are no sidewalks in the area and pedestrian activity is light.

### **Factors that determine Speed Limits-**

A PowerPoint titled Frequently Asked Questions for Speed Limits on City Streets is included as attachment # 6. A copy of the speed study guidelines used by the Engineering Division of the City of Grand Island Public Works Department is included for reference as attachment # 7.

### **Discussion on Enforceability**

A common misconception is that reducing the speed limit will automatically slow the speed of traffic, while raising the speed limit will automatically cause an increase in the speed of traffic. Most people will drive the roadway as they perceive the conditions and will ignore a speed limit that is unrealistically too low or too high. The reasonable majority voluntarily obeys a realistic speed limit and more enforcement effort can be applied to the unreasonable few that drive too fast.

Setting appropriate speed limits in a rapidly developing fringe area presents special problems. Drivers don't adapt and lowering speed limits has minimal effect on average speeds or uniformity of speeds. Compliance with speed limits in urban areas is already poor. Setting a low speed limit will either put too many expectations on law enforcement or demand a greater tolerance for non-compliance.

### **Recommended Speed Limit for Shady Bend Road**

Although we understand the desire of the neighborhood to lower the posted speed limit from 50 miles per hour (mph) to 35 mph, we cannot support it based on the following considerations.

1. The guidance in the MUTCD states that the posted speed limit should be within 5 mph of the 85<sup>th</sup>-percentile speed of free-flowing traffic.
2. The average speed is 47.8 mph.
3. The upper limit of the 10 mph pace speed is 55 mph.
4. Property access to Shady Bend Road is low. The driveways and intersections allow vehicles entering onto Shady Bend Road good access and sight distance.
5. A 35 mph speed limit is not practical to enforce.
6. Turning traffic volumes are low compared to through traffic volumes.
7. Adjacent development density is light.

For driver expectancy and enforceability, the speed limits for both Bismark Road and Shady Bend Roads should be 45 to 50 mph.

### **Conclusion**

A 45 mph speed limit is recommended for Bismark Road from Stuhr Road, through Shady Bend Road to Gunbarrel Road and for Bismark Road from the Burlington Northern Santa Fe railroad tracks, through Bismark Road to the existing 35 mph speed limit at 231' south of Gregory Avenue.



From The Manual of Uniform Traffic Control Devices

## **Section 1A.07 Responsibility for Traffic Control Devices**

### **Standard:**

The responsibility for the design, placement, operation, maintenance, and uniformity of traffic control devices shall rest with the public agency or the official having jurisdiction. 23 CFR 655.603 adopts the Manual on Uniform Traffic Control Devices as the national standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel. When a State or other Federal agency manual or supplement is required, that manual or supplement shall be in substantial conformance with the national Manual on Uniform Traffic Control Devices.

23 CFR 655.603 also states that traffic control devices on all streets and highways open to public travel in each State shall be in substantial conformance with standards issued or endorsed by the Federal Highway Administrator.

### **Support:**

The "Uniform Vehicle Code" (see Section 1A.11) has the following provision in Section 15-104 for the adoption of a uniform Manual:

"(a)The [State Highway Agency] shall adopt a manual and specification for a uniform system of traffic control devices consistent with the provisions of this code for use upon highways within this State. Such uniform system shall correlate with and so far as possible conform to the system set forth in the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, and other standards issued or endorsed by the Federal Highway Administrator."

"(b) The Manual adopted pursuant to subsection (a) shall have the force and effect of law."

Additionally, States are encouraged to adopt Section 15-116 of the "Uniform Vehicle Code," which states that, "No person shall install or maintain in any area of private property used by the public any sign, signal, marking or other device intended to regulate, warn, or guide traffic unless it conforms with the State manual and specifications adopted under Section 15-104."

## **Section 1A.09 Engineering Study and Engineering Judgment**

### **Standard:**

This Manual describes the application of traffic control devices, but shall not be a legal requirement for their installation.

#### Guidance:

The decision to use a particular device at a particular location should be made on the basis of either an engineering study or the application of engineering judgment. Thus, while this Manual provides Standards, Guidance, and Options for design and application of traffic control devices, this Manual should not be considered a substitute for engineering judgment.

Engineering judgment should be exercised in the selection and application of traffic control devices, as well as in the location and design of the roads and streets that the devices complement. Jurisdictions with responsibility for traffic control that do not have engineers on their staffs should seek engineering assistance from others, such as the State transportation agency, their County, a nearby large City, or a traffic engineering consultant.

### Section 1A.13 Definitions of Words and Phrases in This Manual

#### Standard:

Unless otherwise defined herein, or in the other Parts of this Manual, definitions contained in the most recent edition of the "Uniform Vehicle Code," "AASHTO Transportation Glossary (Highway Definitions)," and other publications specified in Section 1A.11 are also incorporated and adopted by reference.

25. **Engineering Judgment**—the evaluation of available pertinent information, and the application of appropriate principles, Standards, Guidance, and practices as contained in this Manual and other sources, for the purpose of deciding upon the applicability, design, operation, or installation of a traffic control device. Engineering judgment shall be exercised by an engineer, or by an individual working under the supervision of an engineer, through the application of procedures and criteria established by the engineer. Documentation of engineering judgment is not required.
26. **Engineering Study**—the comprehensive analysis and evaluation of available pertinent information, and the application of appropriate principles, Standards, Guidance, and practices as contained in this Manual and other sources, for the purpose of deciding upon the applicability, design, operation, or installation of a traffic control device. An engineering study shall be performed by an engineer, or by an individual working under the supervision of an engineer, through the application of procedures and criteria established by the engineer. An engineering study shall be documented.

### Section 2B.13 Speed Limit Sign (R2-1)

#### Standard:

After an engineering study has been made in accordance with established traffic engineering practices, the Speed Limit (R2-1) sign (see Figure 2B-1) shall display the limit established by law, ordinance, regulation, or as adopted by the authorized agency. The speed limits shown shall be in multiples of 10 km/h or 5 mph.

#### Guidance:

At least once every 5 years, States and local agencies should reevaluate non-statutory speed limits on segments of their roadways that have undergone a significant change in roadway characteristics or surrounding land use since the last review. No more than three speed limits should be displayed on any one Speed Limit sign or assembly. When a speed limit is to be posted, it should be within 10 km/h or 5 mph of the 85th-percentile speed of free-flowing traffic.

Option:

Other factors that may be considered when establishing speed limits are the following:

- A. Road characteristics, shoulder condition, grade, alignment, and sight distance;
- B. The pace speed;
- C. Roadside development and environment;
- D. Parking practices and pedestrian activity; and
- E. Reported crash experience for at least a 12-month period.

Two types of Speed Limit signs may be used: one to designate passenger car speeds, including any nighttime information or minimum speed limit that might apply; and the other to show any special speed limits for trucks and other vehicles.

A changeable message sign that changes the speed limit for traffic and ambient conditions may be installed provided that the appropriate speed limit is shown at the proper times.

A changeable message sign that displays to approaching drivers the speed at which they are traveling may be installed in conjunction with a Speed Limit sign.

Guidance:

If a changeable message sign displaying approach speeds is installed, the legend YOUR SPEED XX km/h (MPH) or such similar legend should be shown. The color of the changeable message legend should be a yellow legend on a black background or the reverse of these colors.

Support:

Advisory Speed signs are discussed in Sections 2C.36 and 2C.46 and Temporary Traffic Control Zone Speed signs are discussed in Part 6.

## State Statute

### **60-680. Regulation of highways by local authority; police powers.**

- (1) Any local authority with respect to highways under its jurisdiction and within the reasonable exercise of the police power may:
- (a) Regulate or prohibit stopping, standing, or parking;
  - (b) Regulate traffic by means of peace officers or traffic control devices;
  - (c) Regulate or prohibit processions or assemblages on the highways;
  - (d) Designate highways or roadways for use by traffic moving in one direction;
  - (e) Establish speed limits for vehicles in public parks;
  - (f) Designate any highway as a through highway or designate any intersection as a stop or yield intersection;
  - (g) Restrict the use of highways as authorized in section 60-681;
  - (h) Regulate operation of bicycles and require registration and inspection of such, including requirement of a registration fee;
  - (i) Regulate operation of electric personal assistive mobility devices;
  - (j) Regulate or prohibit the turning of vehicles or specified types of vehicles;
  - (k) Alter or establish speed limits authorized in the Nebraska Rules of the Road;
  - (l) Designate no-passing zones;
  - (m) Prohibit or regulate use of controlled-access highways by any class or kind of traffic except those highways which are a part of the state highway system;
  - (n) Prohibit or regulate use of heavily traveled highways by any class or kind of traffic it finds to be incompatible with the normal and safe movement of traffic, except that such regulations shall not be effective on any highway which is part of the state highway system unless authorized by the Department of Roads;
  - (o) Establish minimum speed limits as authorized in the rules;
  - (p) Designate hazardous railroad grade crossings as authorized in the rules;
  - (q) Designate and regulate traffic on play streets;
  - (r) Prohibit pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk as authorized in the rules;
  - (s) Restrict pedestrian crossings at unmarked crosswalks as authorized in the rules;
  - (t) Regulate persons propelling push carts;
  - (u) Regulate persons upon skates, coasters, sleds, and other toy vehicles;
  - (v) Notwithstanding any other provision of law, adopt and enforce an ordinance or resolution prohibiting the use of engine brakes on the National System of Interstate and Defense Highways that has a grade of less than five degrees within its jurisdiction. For purposes of this subdivision, engine brake means a device that converts a power producing engine into a power-absorbing air compressor, resulting in a net energy loss;
  - (w) Adopt and enforce such temporary or experimental regulations as may be necessary to cover emergencies or special conditions; and
  - (x) Adopt other traffic regulations except as prohibited by state law or contrary to state law.
- (2) No local authority, except an incorporated city with more than forty thousand inhabitants, shall erect or maintain any traffic control device at any location so as to require the traffic on any state highway or state-maintained freeway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Department of Roads.
- (3) No ordinance or regulation enacted under subdivision (1)(d), (e), (f), (g), (j), (k), (l), (m), (n), (p), (q), or (s) of this section shall be effective until traffic control devices giving notice of such local traffic regulations are erected upon or at the entrances to such affected highway or part thereof affected as may be most appropriate.

**Source:** Laws 1973, LB 45, § 97; R.S.1943, (1988), § 39-697; Laws 1993, LB 370, § 176; Laws 2000, LB 1361, § 2; Laws 2002, LB 491, § 2; Laws 2002, LB 1105, § 455;

The city is authorized to regulate or prohibit parking on its streets. There is no requirement that such prohibitions be made by ordinance. *Morrow v. City of Ogallala*, 213 Neb. 414, 329 N.W.2d 351 (1983). A city ordinance regulating funeral processions was a reasonable and valid exercise of the city's police power under this section and does not conflict with Nebraska's present right-of-way statutes, sections 39-609(1) and 39-614(1)(a). *Herman v. Lee*, 210 Neb. 563, 316 N.W.2d 56 (1982).

### **60-6,118. Manual on Uniform Traffic Control Devices; adoption by Department of Roads.**

Consistent with the provisions of the Nebraska Rules of the Road, the Department of Roads may adopt and promulgate rules and regulations adopting and implementing a manual providing a uniform system of traffic control devices on all highways within this state which, together with any supplements adopted by the department, shall be known as the Manual on Uniform Traffic Control Devices.

**Source:** Laws 1973, LB 45, § 98; Laws 1984, LB 677, § 1; R.S.1943, (1988), § 39-698; Laws 1993, LB 370, § 214

### **60-6,119. Obedience to traffic control devices; exceptions.**

(1) The driver of any vehicle shall obey the instructions of any traffic control device applicable thereto placed in accordance with the Nebraska Rules of the Road, unless otherwise directed by a peace officer, subject to the exceptions granted the driver of an authorized emergency vehicle in the rules.

(2) No provision of the rules for which traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by a reasonably observant person. Whenever any provision of the rules does not state that traffic control devices are required, such provision shall be effective even though no devices are erected or in place.

(3) Whenever traffic control devices are placed in position approximately conforming to the requirements of the rules, such devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary is established by competent evidence.

(4) Any traffic control device placed pursuant to the rules and purporting to conform with the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of the rules unless the contrary is established by competent evidence.

**Source:** Laws 1973, LB 45, § 9; R.S.1943, (1988), § 39-609; Laws 1993, LB 370, § 215;

Subsection (5) of this section applies to the operation of an automobile while it is on that part of the road which is closed and requires extreme caution so as to avoid the additional hazards that may be incident to the reason why the road has been closed. *Birchem v. Eggers*, 236 Neb. 775, 463 N.W.2d 824 (1990) (pursuant to Laws 1993, LB 370, section 211, language from subsection (5) of section 39-609 was placed in section 60-6,115). A city ordinance regulating funeral processions was a reasonable and valid exercise of the city's police power under section 39-697(1)(c) (transferred to section 60-680) and does not conflict with Nebraska's present right-of-way statutes, this section and section 39-614(1)(a) (transferred to section 60-6,123). *Herman v. Lee*, 210 Neb. 563, 316 N.W.2d 56 (1982). This section does not apply to a highway partially barricaded but not closed to traffic. *Central Constr. Co. v. Republican City School Dist. No. 1*, 206 Neb. 615, 294 N.W.2d 347 (1980).

**60-6,120. Placing and maintaining traffic control devices; jurisdiction.**

(1) The Department of Roads shall place and maintain, or provide for such placing and maintaining, such traffic control devices, conforming to the manual, upon all state highways as it deems necessary to indicate and to carry out the Nebraska Rules of the Road or to regulate, warn, or guide traffic.

(2)(a) In incorporated cities and villages with less than forty thousand inhabitants, the department shall have exclusive jurisdiction regarding the erection and maintenance of traffic control devices on the state highway system but shall not place traffic control devices on the state highway system within incorporated cities and villages of more than twenty-five hundred inhabitants without consultation with the proper city officials.

(b) In incorporated cities of forty thousand or more inhabitants, except on state-maintained freeways of the state highway system where the department retains exclusive jurisdiction, the city shall have jurisdiction regarding erection and maintenance of traffic control devices on the state highway system after consultation with the department, except that there shall be joint jurisdiction with the department for such traffic control devices for which the department accepts responsibility for the erection and maintenance.

(3) No local authority shall place or maintain any traffic control device upon any highway under the jurisdiction of the department, except by permission of the department, or on any state-maintained freeway of the state highway system.

(4) The placing of traffic control devices by the department shall not be a departmental rule, regulation, or order subject to the statutory procedures for such rules, regulations, or orders but shall be considered as establishing precepts extending the provisions of the Nebraska Rules of the Road as necessary to regulate, warn, or guide traffic. Violation of such traffic control devices shall be punishable as provided in the rules.

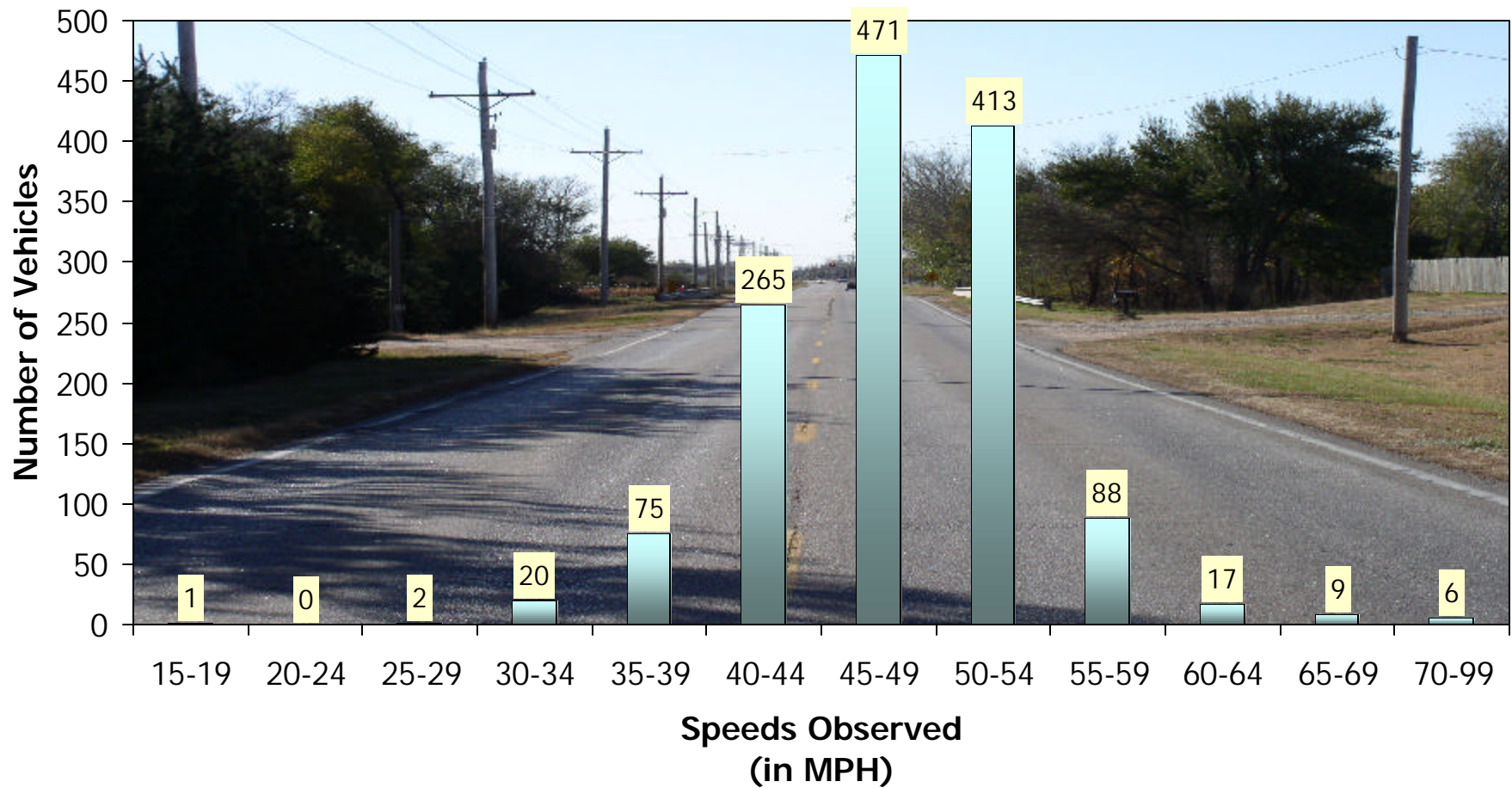
**Source:** Laws 1973, LB 45, § 10; R.S.1943, (1988), § 39-610; Laws 1993, LB 370, § 216;

**60-6,121. Placing and maintaining traffic control devices; local authorities.**

Local authorities in their respective jurisdictions shall place and maintain such traffic control devices upon highways under their jurisdictions as they deem necessary to indicate and to carry out the provisions of the Nebraska Rules of the Road or to regulate, warn, or guide traffic. All such traffic control devices erected pursuant to the rules shall conform with the manual.

**Source:** Laws 1973, LB 45, § 11;; R.S.1943, (1988), § 39-611;; Laws 1993, LB 370, § 217

**Speed Survey - Shady Bend Road  
(North of Bismark Road)  
November 2007**



# City of Grand Island

Public Works Department

Traffic Engineering

Attachment # 5

Title1 : Shady Bend Rd. Speed Study

Title2 :

Title3 :

Direction:

Site:

Data for Wednesday 2/21/2007

## Vehicle Count Statistics

### Daily Total

1,365

AM	Peak Hour	07:30	PM	Peak Hour	04:45
	Volume	100		Volume	141
	Factor	0.76		Factor	0.90

## Speed Statistics

### MPH

	1- 14	15- 19	20- 24	25- 29	30- 34	35- 39	40- 44	45- 49	50- 54	55- 59	60- 64	65- 69	70- 999
Bin Totals	0	1	0	2	20	75	265	471	413	88	17	9	6
% of Totals	0.0	0.1	0.0	0.1	1.5	5.5	19.4	34.5	30.2	6.4	1.2	0.7	0.4

Avg. Speed 47.78 MPH

%ile Speeds	10%	15%	50%	85%	90%
	40.7 MPH	42.0 MPH	48.4 MPH	54.0 MPH	54.8 MPH

## Pace

Speed	45-55 MPH
Number in pace	884
% in pace	64.7

Speed Exceeded	45(MPH)	55(MPH)	65(MPH)
Percentage	73.4	8.8	1.1
Totals	1,004	120	15

## Class Statistics

	Cars & 2 Axle			2 Axle 3 Axle		4 Axle	<5 Axl	5 Axle	>6 Axl	<6 Axl	6 Axle	>6 Axl	
	Bikes	Thrs	Long	Buses	6 Tire	Single	Single	Double	Double	Double	Multi	Multi	Multi
Bin Totals	35	668	375	43	97	19	2	24	73	22	1	1	7
% of Totals	2.6	48.9	27.4	3.1	7.1	1.4	0.1	1.8	5.3	1.6	0.1	0.1	0.5

## Gap Statistics

[Secs]	5- 9	10- 14	15- 19	20- 24	25- 29	30- 34	35- 39	40- 44	45- 49	50- 54	55- 59	60- 64	65- 999
Bin Totals	117	115	84	65	62	56	49	36	48	30	41	29	328
% of Totals	11.0	10.8	7.9	6.1	5.8	5.3	4.6	3.4	4.5	2.8	3.9	2.7	30.9

## Error Statistics

Sensor	A	B
Total Hits	7,266	7,231
Percent Used	94.0	95.0
Avg Axles Per Vehicle	2.40	
Avg Two Axle Wheelbase	10.0 ft.	



# FREQUENTLY ASKED QUESTIONS

## SPEED LIMITS ON CITY STREETS

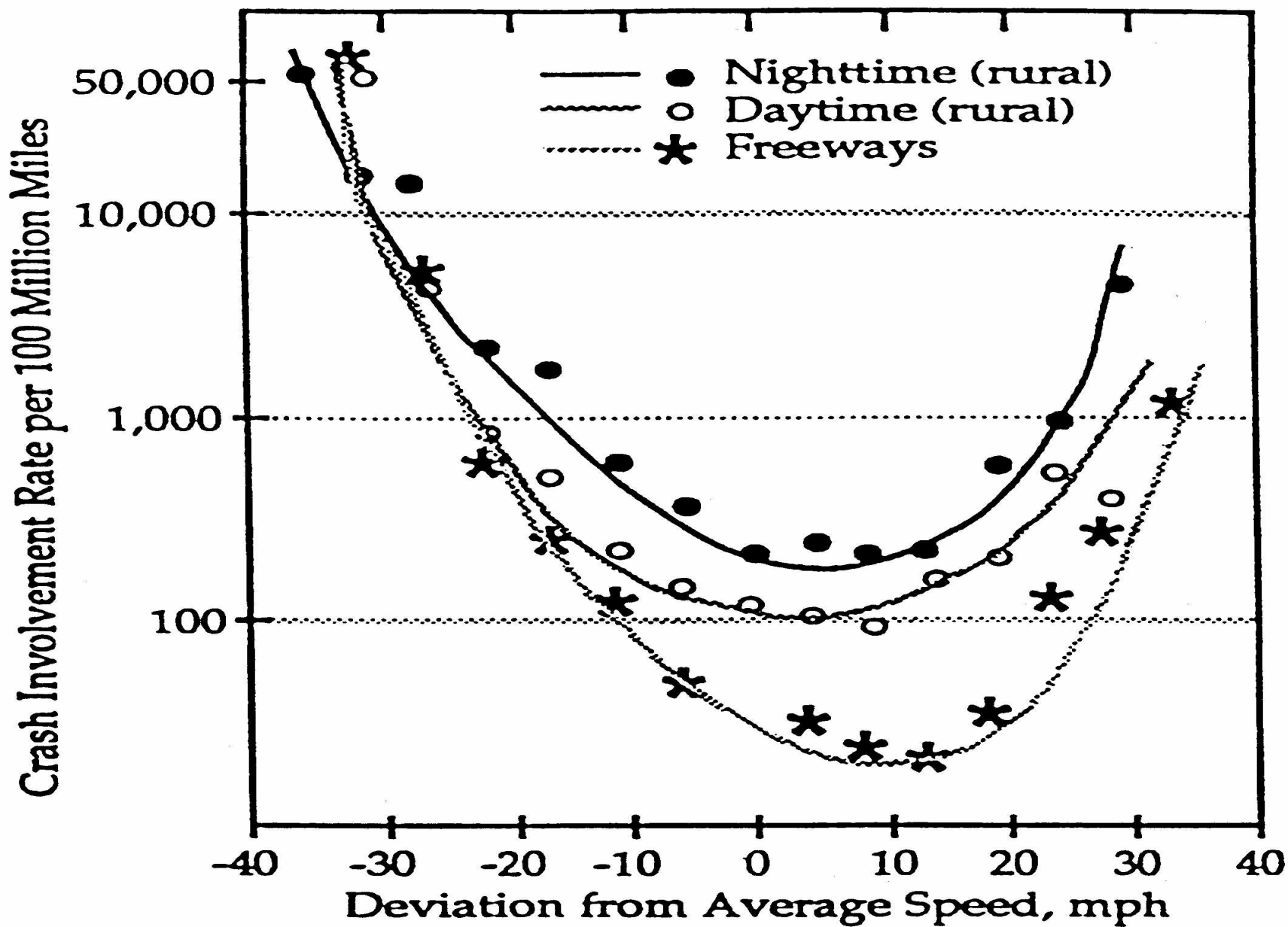


# How are speed limits determined?

- 85 Percentile speed
- Average speed
- Upper limit of 10 mph range
- Travel efficiency
- Property access
- Road user safety
- Community concerns
- Pedestrian activity
- Practicality of enforcement
- Accident History
- Through & turning traffic volumes
- Roadway width, lane configuration, etc.
- Parking and rate of turnover of parking

# What effect does uniformity of speed have?

Wide disparities in the speed of the traffic stream leads to more accident involvement. The further the average and the 85 percentile speeds are from the posted speed limit, the greater the disparity.





# Doesn't speed kill?

It's true that speed kills, but speed variance is a major contributor to accidents.

# Why doesn't lowering the speed limit work?

Compliance with speed limits in urban areas is already poor. Setting a low speed limit will either put too many expectations on law enforcement or demand a greater tolerance for non-compliance.

# Why do we have trouble with speed limits on the fringes of the City?

Setting appropriate speed limits in a rapidly developing fringe area presents special problems. Drivers don't adapt and lowering speed limits has minimal effect on average speeds or uniformity of speeds.



# What determines how effective a speed limit is?

- Driver perception of reasonableness
- Police enforcement
- Courts punishment

# How about increased public awareness to try and change drivers speed behaviors?

Increased public awareness of speed limits has little effect. Studies have shown increased publicity will make:

- 30% more aware of the speed limit
- 5% more change their attitudes on speed limits
- 1% more intend to obey speed limits



# Can't we step up enforcement to make drivers obey speed limits?

Traditional enforcement methods have a short-lived effect in deterring speeding. More drivers will obey laws only if they perceive a credible threat of detection and punishment for non-compliance. Studies have shown little residual effects from concentrated enforcement. Soon after the enforcement is no longer present, speeds increase back to what they were before the concentrated enforcement.

# Why don't we use more concentrated enforcement?

Maintaining the deterrence effect requires a level of enforcement that's difficult to obtain. Resources are limited and there are many different priorities.

# What about traffic calming to slow traffic?

Traffic calming works well on neighborhood residential streets.

Traffic calming should NOT be used on neighborhood collectors or arterials because it will push traffic onto neighborhood streets.



# Then what should we do to determine appropriate speed limits in a residential area?

Use the 85 percentile and temper it for the above considerations. Remember that drivers tend to speed on residential streets and that may make the 85 percentile high. Also remember that setting too low of a speed limit will put too many expectations on law enforcement or demand a greater tolerance for non-compliance.

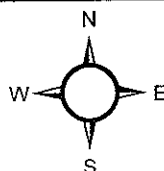
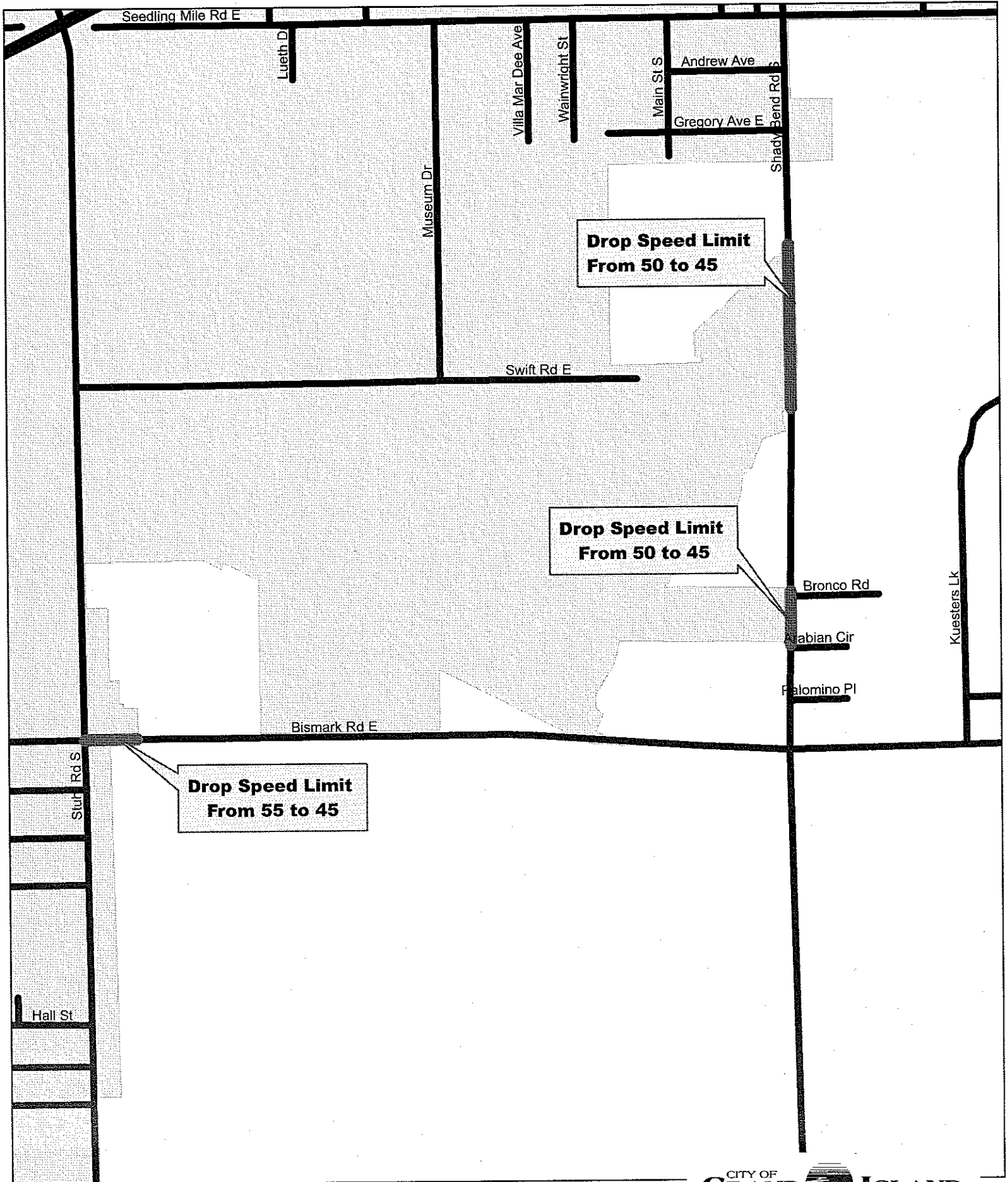
report of the following:

- Bar graph showing speeds observed
- Number of vehicles observed
- Median Speed
- Average Speed
- 85<sup>th</sup> Percentile Speed
- 10 mph pace speed
- Percentage of vehicles in 10 mph pace

A preliminary speed limit is selected and then adjusted based on the following field conditions:

- Average test run speed by technicians
- Total pavement width
- Number of Lanes
- Lane Width
- Width and type of median
- Parking and rate of turnover
- Restricted sight distances
- Vehicle turning volumes
- Traffic density
- Accident history
- Driveway and intersection density
- Pedestrian activity
- Roadside Development
- Road and shoulder surface characteristics
- Pedestrian and bicycle activity
- Speed limits on adjoining roadway segments
- Accident experience

Any adjustments should not change the preliminary speed limit by more than 20 percent.



CITY OF  
**GRAND ISLAND**

Public Works Department

Plot Date 11-26-2007

## R E S O L U T I O N    2007-316

WHEREAS, the City Council, by authority of Section 22-51 of the Grand Island City Code, may by resolution, establish speed limits upon the streets of the City of Grand Island.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that speed limits within the City of Grand Island are established as follows:

<b>Street</b>	<b>From</b>	<b>To</b>	<b>Limit</b>
Abbott Road	1/2 mile west of Sky Park Road (city limit)	Sky Park Road	50
Abbott Road	Quandt Road	Approximately 1/2 mile east of Quandt Road (city limit)	50
Adams Street	Stolley Park Road	Anna Street	30
Airport Road	1/4 mile west of Sky Park Road (west city limits)	Sky Park Road	55
Airport Road	Shady Bend Road	Approximately 1/2 mile east of Shady Bend Road (east city limits)	50
Anna Street	Blaine Street	Locust Street	30
Bismark Road	Vine Street	Stuhr Road	30
Bismark Road	Stuhr Road	400 feet east of Stuhr Road (city limit)	45
Blaine Street	U.S. Highway 34	Stolley Park Road	35
Broadwell Avenue	Anna Street	Prospect Avenue	30
Broadwell Avenue	Prospect Street	Nebraska Highway 2 (city route)	35
Broadwell Avenue	Nebraska Highway 2 (city route)	1/4 mile north of Roberts Street (north city limits)	45
Capital Avenue	Engleman Road	North Road	35

Approved as to Form <input type="checkbox"/> _____ November 30, 2007November 29, 2007
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<b>Street</b>	<b>From</b>	<b>To</b>	<b>Limit</b>
Capital Avenue	North Road	Carleton Avenue	45
Capital Avenue	Carleton Avenue	St. Paul Road	35
Capital Avenue	St. Paul Road	Sky Park Road	45
Capital Avenue	Sky Park Road	1/2 mile east of Sky Park Road (city limits)	50
Cherry Street	Bismark Road	Sutherland Street	30
Concord Street	Diers Avenue	370 feet North of Diers Avenue	30
Custer Avenue	Old Lincoln Highway/ Old Potash Highway	Capital Avenue	30
Diers Avenue	Old Potash Highway	Capital Avenue	30
Eddy Street	Fourth Street	State Street	30
Engleman Road	Husker Highway	400 feet north of North Lane	45
Engleman Road	200 feet south of Lariat Lane	Capital Avenue	45
Engleman Road	Capital Avenue	1,000 feet north of Michigan Avenue	40
Faidley Avenue	U.S. Highway 281	Webb Road	35
Faidley Avenue	Webb Road	Custer Avenue	30
Fonner Park Road	South Locust Street	Stuhr Road	35
Fourth Street	Sycamore Street	Plum Street	25
Fourth Street	Plum Street	Beal Street	30
Fourth Street	Beal Street	Taft Street	35
Fourth Street	Taft Street	Seventh Street	45
Gold Core Road	Wildwood Drive	Schimmer Drive	40
Husker Highway	U.S. Highway 30	Schroeder Avenue	50



<b>Street</b>	<b>From</b>	<b>To</b>	<b>Limit</b>
Husker Highway	Schroeder Avenue	1/4 mile east of North Road (city limits)	40
Husker Highway	Prairieview Street	U.S. Highway 281	40
Independence Avenue	Capital Avenue	Nebraska Highway 2	35
Juergen Road	Wildwood Drive	Schimmer Drive	30
Locust Street	Wood River Floodway (south city limits)	U.S. Highway 34	45
Locust Street	U.S. Highway 34	Stagecoach Road	40
Locust Street	Stagecoach Road	Stolley Park Road	35
Locust Street	Stolley Park Road	Charles Street	30
Locust Street	Charles Street	First Street	25
Nebraska Highway 2	1/4 mile west of Independence Avenue (west city limits)	1,200 feet west of Diers Avenue	55
Nebraska Highway 2	1,200 feet west of Diers Avenue	100 feet west of O'Flannagan Street	50
Nebraska Highway 2 – City Route	100 feet west of O'Flannagan Street	Broadwell Avenue	50
North Road	Husker Highway	Stolley Park Road	35
North Road	Old Highway 30	U.S. Highway 30	35
North Road	U.S. Highway 30	Old Potash Highway	45
North Road	Old Potash Highway	Nebraska Highway 2	40
Old Lincoln Highway	Garfield Street	Broadwell Avenue	30
Old Highway 30	West intersection with U.S. Highway 30	Webb Road	45
Old Highway 30	Webb Road	East intersection with U.S.	35

<b>Street</b>	<b>From</b>	<b>To</b>	<b>Limit</b>
		Highway 30	
Old Potash Highway	540 feet west of Arapahoe Avenue (west city limits)	Kaufman Avenue	45
Old Potash Highway	Kaufman Avenue	Custer Avenue	35
Quandt Road	Abbott Road	1/4 mile north of Abbott Road	50
Schimmer Drive	1/2 mile west of U.S. Highway 281 (west city limits)	230 feet east of Scheel Road (east city limits)	40
Second Street	Webb Road	Ada Street	35
Seedling Mile Road	1/2 mile west of Museum Drive	Shady Bend Road	35
Seedling Mile Road	Shady Bend Road	Approximately 1/4 mile east of Shady Bend Road (east city limits)	45
Shady Bend Road	Arabian Circle (city limits)	Bronco Road (city limits)	45
Shady Bend Road	Approximately 1/2 mile north of Bismark Road (city limits)	880 feet south of Gregory Avenue (city limits)	45
Shady Bend Road	231 feet south of Gregory Avenue (city limits)	300 feet north of Shady Bend Way (city limits)	35
Shady Bend Road	350 feet north of U.S. Highway 30 (city limits)	Union Pacific Railroad Right-of-Way (city limits)	35
Shady Bend Road	1,910 feet north of Capital Avenue	Airport Road	55
Sky Park Road	Seventh Street	Capital Avenue	45
Sky Park Road	Capital Avenue	Twin Star Lane	55
Sky Park Road	Twin Star Lane	Gulf Stream Drive	45
Sky Park Road	Gulf Stream Drive	White Cloud Road	55
State Street	North Road	Ebony Lane	45

<b>Street</b>	<b>From</b>	<b>To</b>	<b>Limit</b>
State Street	Ebony Lane	U.S. Highway 281	35
Stolley Park Road	920 feet west of Freedom Drive (west city limits)	U.S. Highway 30	50
Stolley Park Road	U.S. Highway 30	North Road	45
Stolley Park Road	North Road	U.S. Highway 281	45
Stolley Park Road	U.S. Highway 281	South Locust Street	35
Stolley Park Road	South Locust Street	Stuhr Road	45
Stuhr Road	270 feet south of the north intersection with Stolley Park Road (south city limits)	Fonner Park Road	55
Stuhr Road	Fonner Park Road	U.S. Highway 30	35
Sycamore Street	Fourth Street	Capital Avenue	30
Thirteenth Street	910 feet west of Branding Iron Lane (west city limits)	Cedar Ridge Court	45
Thirteenth Street	Cedar Ridge Court	U.S. Highway 281	35
U.S. Highway 30	Husker Highway	Johnstown Road	55
U.S. Highway 30	Johnstown Road	East Intersection with Old Highway 30	45
U.S. Highway 30	East Intersection with Old Highway 30	Grant Street	35
U.S. Highway 30 (2 <sup>nd</sup> Street)	Grant Street	Broadwell Avenue	35
U.S. Highway 30 (2 <sup>nd</sup> Street)	Broadwell Avenue	Greenwich Street	30
U.S. Highway 30 (eastbound) / Greenwich Street	Second Street	First Street	30

<b>Street</b>	<b>From</b>	<b>To</b>	<b>Limit</b>
U.S. Highway 30 (1 <sup>st</sup> Street and 2 <sup>nd</sup> Street)	Greenwich Street	Eddy Street	30
U.S. Highway 30 (1 <sup>st</sup> Street and 2 <sup>nd</sup> Street)	Eddy Street	Sycamore Street	25
U.S. Highway 30 (1 <sup>st</sup> Street and 2 <sup>nd</sup> Street)	Sycamore Street	1500 feet West of Willow Street	35
U.S. Highway 30	1500 feet West of Willow Street	2500 feet West of Shady Bend Road	45
U.S. Highway 30	2500 feet West of Shady Bend Road	270 feet west of Shady Bend Road (east city limits)	50
U.S. Highway 34 (Husker Highway)	U.S. Highway 281	Wortman Drive (city limits)	45
U.S. Highway 34 (Husker Highway)	Wortman Drive (Begin NDOR jurisdiction)	Blaine Street	50
U.S. Highway 34 (Husker Highway)	Blaine Street	Approximately 1/2 mile west of Locust Street (city limits) (End of NDOR jurisdiction)	50
U.S. Highway 34 (Husker Highway)	Approximately 1/2 mile west of Locust Street (city limits)	Approximately 1/4 mile west of Locust Street (De Ann Road)	50
U.S. Highway 34 (Husker Highway)	Approximately 1/4 mile west of Locust Street (De Ann Road)	1/4 mile East of Locust Street (east city limits)	45
U.S. Highway 34/281	Milepost No. 228.91 (1/4 mile south of Wildwood Drive)	Milepost No. 231.16 (Husker Highway)	55
U.S. Highway 281	Milepost No. 67.6 (Husker Highway)	Milepost No. 68.1 (south intersection with Webb Road)	55
U.S. Highway 281	Milepost No. 68.1 (south intersection with Webb Road)	Milepost No. 72 (NE Highway 2)	50
Walnut Street	Charles Street	First Street	30

<b>Street</b>	<b>From</b>	<b>To</b>	<b>Limit</b>
Webb Road	South Intersection with U.S. Highway 281	Nebraska Highway 2 (city route)	35
Webb Road	Nebraska Highway 2 - city route	1410 feet north of Nebraska Highway 2 – city route (city limits)	40
Webb Road	900 feet south of the north intersection with U.S. Highway 281 (city limits)	240 feet south of the north intersection with U.S. Highway 281 (city limits)	40
White Cloud Road	Sky Park Road	2060 feet east of Sky Park Road (city limits)	50
Wildwood Drive	380 feet west of Elk Drive (west city limits)	610 feet east of Gold Core Drive (East city limits)	45

**OTHER SPEED ZONES:**

The speed limit for all alleys within the downtown Congested Parking Area as defined in Section 13-17 of the Grand Island City Code shall be 10 miles per hour.

BE IT FURTHER RESOLVED, that this resolution supercedes any and all other resolutions establishing or amending speed limits for the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, December 4, 2007.

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Margaret Hornady, Mayor

Attest:

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, December 04, 2007

Council Session

## Item H1

**Consideration of Request from Alltel Communications of  
Nebraska, Inc. for a Conditional Use Permit for a Wireless  
Communication Tower Facility Located at 3429 Airport Road**

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

Staff Contact: Craig Lewis



# City of Grand Island

Tuesday, December 04, 2007

Council Session

## Item J1

**Approving Payment of Claims for the Period of November 28, 2007 through December 4, 2007**

*The Claims for the period of November 28, 2007 through December 4, 2007 for a total amount of \$2,561,873.27. A MOTION is in order.*

Staff Contact: David Springer