



City of Grand Island

Tuesday, August 26, 2008

Council Session

Item G4

**#2008-218 - Approving Interlocal Agreement for the Central
Nebraska Environmental Complex**

Staff Contact: Paul Briseno, Assist. to City Administrator

Council Agenda Memo

From: Paul M. Briseno, Assistant to the City Administrator

Meeting: August 20, 2008

Subject: Approving Interlocal Agreement for the Central Nebraska Environmental Complex

Item #'s: G-4

Presenter(s): Paul M. Briseno, Assistant to the City Administrator

Background

In February 2004, the Grand Island City Council identified the development of a permanent regional Household Hazardous Waste Facility as a community goal. In 2007 a construction grant was submitted to the Nebraska Environmental Trust. This grant was denied as the project had no established working relationship with Keep Nebraska Beautiful, no interlocals identifying the service area, and the proposed facility was designed with unnecessary elements.

Discussion

In February an interlocal was created. The Legal Department, Nebraska Department of Environmental Quality, Nebraska Department of Environmental Trust and municipalities with established collection facilities assisted in the creation of the interlocal. Originally the interlocal was sent to 15 communities and one county. Recently Hamilton and Howard Counties have asked to join the interlocal.

The interlocal agreement identifies a number of elements essential to the success of this project. Local and county governments who sign the interlocal agreement agree to the following terms :

- Their citizens will be part of the CNEC service area and solely cooperate with the CNEC once operational, for household hazardous waste needs. Furthermore, the City of Grand Island will submit grant applications on their behalf.
- Make known the resources of the CNEC through various notifications to citizens at their cost.
- Materials will be accepted free of charge from citizens.
- The City of Grand Island will provide staffing and operation of the household hazardous waste section of the facility through a five year operational grant.
- The agreement is in effect for five years.

- The CNEC shall provide a report annually of services used by citizens of the cooperating entities.

The City of Grand Island will submit a construction grant to the Nebraska Environmental Trust in September. The proposed construction grant application request is \$796,360. A city match of \$40,000 will be allocated in the 2009-10 Budget with a \$40,000 in-kind match of land. There will be no cost to the City from the 2008-09 Budget. Notice of award does not take place until spring 2009 putting construction at the beginning of the 2009-10 fiscal year.

Central Nebraska Environmental Complex

***Estimated Construction Cost**

Architect Estimate	\$ 784,000
7% Contingency	\$ 54,880
Total Construction Cost	\$ 838,880

City of Grand Island Cash Match	\$ 40,000
Environmental Trust Grant Request	\$ 798,880

A separate operation grant for 5 years will be requested in February 2009 from the Nebraska Department of Environmental Quality.

At this point in time only support is requested from cooperating entities. Cooperating communities will incur costs for notification of services available to citizens. Cooperating entities will be asked to participate financially if an extension of a five year operational grant is not awarded after the first five years of operation.

Council has identified two goals that fit appropriately under this project. These goals are:

- **Secure funding and begin construction of the Household Hazardous Waste facility**
- **Continue to aggressively address environmental issues and advocate for citizens**

Alternatives

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

1. Move to approve the grant application and authorize the Mayor to sign all related documents.
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 Council approve the Central Nebraska Environmental Complex Interlocal Agreement.

Sample Motion

Move to approve the Central Nebraska Environmental Complex Interlocal Agreement.

Interlocal Agreement
CENTRAL NEBRASKA ENVIRONMENTAL COMPLEX

This Agreement is made and entered into by the City of Grand Island, a Municipal Corporation and Nebraska political subdivision and the City's of Alda, Ashton, Aurora, Burwell, Cairo, Central City, Doniphan, Grand Island, Hampton, Loup City, Ord, Spalding, Spencer, St. Paul, Wood River, and the County's of Hall, Hamilton, Howard.

WHEREAS, The City's of Alda, Ashton, Aurora, Burwell, Cairo, Central City, Doniphan, Grand Island, Hampton, Loup City, Ord, Spalding, Spencer, St. Paul, Wood River, and the County's of Hall, Hamilton, Howard will be called here after as COOPERATING ENTITIES; and

WHEREAS, The City of Grand Island and COOPERATING ENTITIES enter into an Interlocal Agreement, which establish terms under which Grand Island will pursue grant funding for the construction of a Household Hazardous Waste (HHW) and recycling facility to be called The Central Nebraska Environmental Complex (CNEC); and

WHEREAS, The COOPERATING ENTITIES agree to be part of the (CNEC) service area and solely cooperate with the CNEC once operational, for household hazardous waste needs, and

WHEREAS, The COOPERATING ENTITIES agree to make known the resources of the CNEC through notification submitted to citizens once a year through one of the following means of distribution, direct mail, utility inserts, other mass distribution, and notice given at city hall and/or other city/county owned facilities utilized by the general public, and.

WHEREAS, COOPERATING ENTITIES will pay the cost of materials and distribution of notification to their citizens, and

WHEREAS, The CNEC will design and provide a media template to all COOPERATING ENTITIES for consistency, and

WHEREAS, The CNEC will accept household hazardous waste and recyclables free of charge to any citizen; and

WHEREAS, The City of Grand Island will provide a cash and in-kind match for the CNEC construction grant; and

WHEREAS, The City of Grand Island will pursue a five (5) year operational grant for the Household Hazardous Waste (HHW) facility and provide an in-kind match, and

WHEREAS, The City of Grand Island will provide property, staffing and operation of a household hazardous waste (HHW) facility; and

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, it is agreed as follows:

1. **AUTHORITY.** This Agreement is made pursuant to authority provided in the Nebraska Interlocal Cooperation Act (Neb. Rev. Stat § 13-801, r.r.s., 1943, et seq.), without a separate entity being created.
2. **TERM OF AGREEMENT,** This agreement shall become effective on the date the last signature is applied, and shall remain in effect for five (5) years or until it is terminated as provided herein.
3. **SCOPE OF PROGRAM,** The City of Grand Island shall on behalf of the service area, to submit applications to the Nebraska Environmental Trust or other grant agencies for funding the construction of the CNEC.

The City of Grand Island shall also on behalf of the service area, to submit applications to the Nebraska Department of Environmental Quality (NDEQ), or other grant agencies for funding the operation of the HHW facility. All parties agree to negotiate in good faith should available grant funding fail to cover all necessary construction or operational costs.

The Grand Island City Administrator or his/her designee shall oversee the construction and operation of the CNEC facility.

4. **SITE LOCATION,** The CNCE shall be located at 5050 West Potash Highway, adjacent to the City of Grand Island Transfer station, consisting of approximately eight (8) acres for use as the CNCE. Ownership of the property and subsequent improvements shall remain the City of Grand Islands unless otherwise provided for in amendments to this agreement.
5. **STAFFING,** The City of Grand Island shall provide the staffing, utilities, repairs and maintenance for the operation of the HHW facility. The City of Grand Island shall be reimbursed for such costs attributable to the operation from the funds described in number three (3) above.
6. **TERMINATION,** Involvement of any member entity with the interlocal agreement, and responsibilities under this Agreement, may be terminated by such member without cause effective upon 90 days written notice to the other members of the interlocal agreement. Termination of a member's involvement with the interlocal agreement pursuant to this Agreement shall not operate to terminate this Agreement nor shall it affect any rights obtained under this Agreement, prior to such notice of termination being given, for costs incurred or moneys advanced, or for actions taken or responsibilities assumed, by another member of the interlocal agreement during the term of and pursuant to this Agreement.

MISCELLANEOUS. Once operational the City of Grand Island shall provide a report annually of CNEC use by citizens of the COOPERATING ENTITIES.

R E S O L U T I O N 2008-218

WHEREAS, in February 2004, the Grand Island City Council identified development of a permanent, regional Household Hazardous Waste Facility as a community goal; and

WHEREAS, the current City Council has selected the following 2008-09 City Council Goals:

- Secure funding and begin construction of the Household Hazardous Waste facility.
- Continue to aggressively address environmental issues and advocate for citizens.

; and

WHEREAS, an interlocal agreement was created with assistance from the City's Legal Department, Nebraska Department of Environmental Quality, Nebraska Department of Environmental Trust and municipalities with established collection facilities; and

WHEREAS, the interlocal agreement establishes the City of Grand Island's responsibility; and

WHEREAS, the interlocal agreement identifies the cooperating entities requirements; and

WHEREAS, thirteen communities and three counties have signed the interlocal agreement;
and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Interlocal Agreement for the Central Nebraska Environmental Complex which outlines responsibilities and requirements by and among the Counties of Hall, Hamilton, Howard, and the Cities of Grand Island, Alda, Aurora, Burwell, Cairo, Central City, Doniphan, Hampton, Loup City, Ord, Spencer, St. Paul, and Wood River to provide safe recycling and disposal of household hazardous waste products, computers, aluminum, and offer educational resources.

BE IT FURTHER RESOLVED, that 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, August 26, 2008.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
August 22, 2008	☐ City Attorney