



# City of Grand Island

Tuesday, March 23, 2010

Council Session

## Item G19

**#2010-87 - Approving Revised Agreement for Installation of Private Well by Goodwill Industries to service HVAC System**

Staff Contact: Gary R. Mader

# **Council Agenda Memo**

**From:** Gary R. Mader, Utilities Director  
Steven Riehle, Public Works Director  
Dale Shotkoski, City Attorney

**Meeting:** March 23, 2010

**Subject:** Installation of Private Well by Goodwill Industries to  
Service HVAC Equipment

**Item #'s:** G-19

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

## **Background**

On January 12, 2010, Council approved an agreement with Goodwill Industries to support a water source heating, ventilating and air conditioning system (HVAC) for a unit that was recently installed as a major addition to their facilities at 1808 S. Locust Street. The construction contractor for the building, Lacy Construction requested permission to install the small private well to support a water source heat pump HVAC design. Because that well is less than 1,000' from the City owned potable water well located at the intersection of South Locust Street and Stolley Park Road, the installation required the permission of the Public Water Supplier according to state law, Title 179.

The Agreement was approved by Council, signed by the Mayor, and forward to Goodwill Industries for signature. However, Goodwill Industries requested a change be made to include provisions for possible future owners of the facility to use the well. The Legal Department has reviewed the requested revisions, and views the changes to be acceptable.

## **Discussion**

The Utilities and Public Works Departments have no major objections to the installation of the proposed HVAC well, and it was approved by Council at the January 12, 2010 meeting. A copy of the revised proposed agreement is attached

## **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 revised agreement between the City of Grand Island and Goodwill Industries for the installation of a well to be used for HVAC purposes.

## **Sample Motion**

Move to approve the revised agreement between the City of Grand Island and Goodwill Industries for the installation of a private well to be used for HVAC purposes.

## Agreement for Placement of an HVAC Extraction Well

Whereas; Goodwill Industries of Greater Nebraska wishes to install a private well as a water source for the HVAC heat pump being installed in an addition to their building at 1808 S. Locust Street, Grand Island, Nebraska;

Whereas; that well is located within 1,000' of a City of Grand Island municipal water supply well located at 2003 S. Locust Street, Grand Island, Nebraska;

Whereas; NAC Title 179 requires that the Public Water Supplier must grant permission for the installation of a private well that is located within 1,000' of a municipal well;

The City of Grand Island will allow installation of the HVAC Extraction Well subject to the following terms and conditions to which Goodwill Industries of Greater Nebraska agrees;

1. The well shall be solely owned and operated by Goodwill Industries, or its successors or assigns, who shall be solely responsible for the proper installation and operation of that well and shall be solely responsible for any and all damages which might result from the installation, operation, maintenance or abandonment of the well.
2. The well shall be for water production only and shall be used only for the production of water for the heat pump servicing the new addition to the Goodwill facilities.
3. The production capacity of the well shall be less than 50 gallons per minute.
4. Goodwill Industries waives any and all claims against the City regarding lowered water tables.
5. The well shall be designed by a registered professional engineer licensed in the State of Nebraska.
6. The well design shall be in accordance with NAC Title 178, Chapter 12, Section 12-004, Potable Wells.
7. The well shall be installed by a State of Nebraska licensed water well contractor and pump installation contractor, licensed in accordance with the applicable provisions of NAC Title 178, Chapter 10.
8. The well shall be registered with the Nebraska Department of Natural Resources.
9. As-built well design specifications, drawings and drilling logs shall be provided to the City of Grand Island upon completion of the well installation.
10. Goodwill Industries shall obtain a Storm Water Discharge Permit from the City of Grand Island, Public Works Department prior to commencing operation of the well. The City does not guarantee any level of capacity to receive discharge water into the storm water system.
11. Engineering drawings of the proposed connection to the storm sewer shall be provided to the City of Grand Island, Public Works Department for approval.

12. Upon completion of the storm sewer connection, the Public Works Department shall be contacted for final inspection and shall approve that connection prior to operation of the extraction well.

By the granting of permission for this installation, the City of Grand Island accepts no liability for any matters of damage arising out of its use in the future. Goodwill Industries, or its successors or assigns, agree to indemnify and hold the City harmless from any and all claims and causes of action arising out of the installation and operation of this extraction well and discharge piping and the discharge of water into the storm water system of the City of Grand Island.

This Agreement may be assigned only with the written consent of the City, which consent shall not be unreasonably withheld.

**APPROVED: CITY OF GRAND ISLAND**

By: \_\_\_\_\_  
Margaret Hornady, Mayor

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

Attest: \_\_\_\_\_  
RaNae Edwards, City Clerk

\_\_\_\_\_  
Approved as to form, City Attorney

**ACCEPTED: GOODWILL INDUSTRIES**

By:  \_\_\_\_\_  
For Goodwill Industries

Date: 3-12-10

RESOLUTION 2010-87

WHEREAS, on January 12, 2010, Council approved an Agreement with Goodwill Industries to install a small private well to support a water source for a heat pump Heating, Ventilating and Air Conditioning (HVAC) system; and

WHEREAS, Goodwill Industries requested a change to include provisions for possible future owners of the facility to use the well; and

WHEREAS, the City's Legal Department has reviewed the requested revisions, and views the changes to be acceptable; and

WHEREAS, a revised Agreement has been written between the City and Goodwill Industries for the installation of the well, and the discharge water.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the revised Agreement between the City of Grand Island and Goodwill Industries, is hereby approved.

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Adopted by the City Council of the City of Grand Island, Nebraska, March 23, 2010.

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Margaret Hornady, Mayor

Attest:

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