



# City of Grand Island

Tuesday, September 13, 2011

Council Session

## Item G14

**#2011-239 - Approving Supplemental No. 1 to the Agreement with  
Nebraska Department of Roads for the State Street and Capital  
Avenue Connector Trail**

Staff Contact: John Collins, Public Works Director

# **Council Agenda Memo**

**From:** Scott Griepenstroh, PW Project Manager

**Meeting:** September 13, 2011

**Subject:** Approving Supplemental No. 1 to the Agreement with Nebraska Department of Roads for the State Street and Capital Avenue Connector Trail

**Item #'s:** G-14

**Presenter(s):** John Collins, Public Works Director

## **Background**

Any amendments to an agreement must be approved by the City Council. On April 27, 2010 the City Council approved a resolution to enter into an agreement with the Nebraska Department of Roads for construction of the State Street and Capital Avenue Connector Trail. The agreement provided for a maximum federal share of 80% not to exceed \$254,832.00, with a 20% match by the City which was expected to be \$63,708.00.

## **Discussion**

The estimates, as well as the construction contract deadline originally set for this project were not viable and are being addressed in Supplemental No. 1.

The original preliminary engineering estimate did not include extensive documentation to meet National Environmental Protection Agency (NEPA) requirements; therefore the total project cost has been revised and is currently estimated at \$384,468, of which a maximum of 80% of the eligible and participating costs (approximately \$307,574.40) is being paid for with Federal funds. The City's obligation for this project is estimated at \$76,893.60.

The original agreement established a construction contract deadline of July 31, 2011, which is now being removed due to delays caused by changes in the NDOR funding process. The Responsible Charge requirement also came into play during the start up of this project, which moved the project oversight from the Parks Department to the Public Works Department.

## **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 Supplemental No. to the agreement with the Nebraska Department of Roads.

## **Sample Motion**

Move to approve the resolution.



Trail Constructed  
By City Completion  
Date December 2008

Trail to be  
Constructed with  
this Grant Funding

Existing  
State Street Trail

Brennan Ln

Aspen Ct

Cobblestone Dr

Glenwood Dr

## SUPPLEMENTAL AGREEMENT NO. 1

CITY OF GRAND ISLAND  
STATE OF NEBRASKA DEPARTMENT OF ROADS  
PROJECT NO. ENH-40(59)  
CONTROL NO. 42650  
GRAND ISLAND CONNECTOR TRAIL

THIS SUPPLEMENTAL AGREEMENT, made and entered into by and between the City of Grand Island, Nebraska, hereinafter referred to as the Local Public Agency or "LPA", and the State of Nebraska, Department of Roads, hereinafter referred to as the "State".

WITNESSETH:

WHEREAS, the LPA and the State have previously entered into Program Agreement BI 1051, executed by the LPA on April 27, 2010 and executed by the State on May 7, 2010, hereinafter referred to as the "Original Agreement", and

WHEREAS, it now becomes necessary to remove the completion deadline, and

WHEREAS, the maximum Federal share payable cap is being removed, and

WHEREAS, it is the desire of the LPA that this project be constructed under the designation of Project No. ENH-40(59), as evidenced by the Resolution of the LPA dated the \_\_\_\_ day of \_\_\_\_\_, 2011, attached and identified as Exhibit 'A' and made a part of this agreement, and

NOW THEREFORE, in consideration of these facts, the LPA and State hereto agree as follows:

SECTION 1. Both parties agree to remove the requirement to have the proposed project under construction contract prior to July 31, 2011 with no repayment to the State of Federal funds reimbursed as of this date.

SECTION 2. The Federal share payable will be a maximum of 80 percent of the eligible and participating costs. The total project cost is currently estimated to be \$384,468.

SECTION 3. The LPA and the State agree that, except for the provisions of Sections 1 and 2 above, all terms and provisions of the Original Agreement on Project No. ENH 40(59) executed by the LPA on April 27, 2010 and executed by the State on May 7, 2010, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the LPA this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

WITNESS:  
Ra Nae Edwards

CITY OF GRAND ISLAND  
Jay Vavricek

\_\_\_\_\_  
LPA Clerk

\_\_\_\_\_  
Mayor

EXECUTED by the State this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

STATE OF NEBRASKA  
DEPARTMENT OF ROADS  
Jim Wilkinson, P.E.

\_\_\_\_\_  
Local Projects Engineer

RESOLUTION 2011-239

WHEREAS, on April 27, 2010 the City Council of the City of Grand Island approved entering into an agreement with the Nebraska Department of Roads for construction of the State Street and Capital Avenue Connector Trail; and

WHEREAS, the original agreement is being supplemented to allow for an increase in total project cost to \$384,468, with 80% of the eligible and participating costs being paid with Federal dollars; and

WHEREAS, the requirement of a construction contract being in place by July 31, 2011 is also being removed under Supplemental No. 1, and

WHEREAS, Supplemental Agreement No. 1 to the original agreement with the Nebraska Department of Roads is required to proceed with this project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Supplemental Agreement No. 1 with the Nebraska Department of Roads for the construction of the State Street and Capital Avenue Connector Trail is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such agreement on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2011.

\_\_\_\_\_  
Jay Vavricek, Mayor

Attest:

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

Approved as to Form    ☐ \_\_\_\_\_  
September 8, 2011     ☐ City Attorney