



# **City of Grand Island**

**Tuesday, January 10, 2012**

**Council Session**

## **Item I2**

**#2012-13 - Consideration of Intent to Annex Area 8b (Rainbow Lake Area)**

**Staff Contact: Chad Nabity**

# **Council Agenda Memo**

**From:** Hall County Regional Planning Department

**Meeting:** January 10, 2012

**Subject:** Annexation Area Identified as 8b

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

**Presenter(s):** Chad Nabity, AICP Hall County Regional Planning Director

## **Background**

At the March 22, 2011 meeting of the Grand Island City Council a resolution was passed that directed the planning department and other city staff as follows:

- to proceed with preparing annexation plans (as required and defined by statute),
- to notify property owners and school districts as required by law, and
- to forward the annexation plans to the Regional Planning Commission for review.

Eight areas were identified as eligible for annexation into the Grand Island municipal limits. Council has acted on 6 of the 8 areas. An annexation plan is available for annexation area 8b the 7<sup>th</sup> of 8 areas.

The annexation plan for area 8b (Rainbow Lake) is complete and was considered by the Regional Planning Commission after a public hearing at their meeting held January 4, 2012. The annexation plans for the area identified as 8b is attached are available from the Grand Island City Clerk, the Hall County Regional Planning Department and on the Grand Island Website at [www.grand-island.com](http://www.grand-island.com).

## **Discussion**

Nebraska Revised Statute §16-117 provides for the process of annexation. In following the process approved by Council on March 22<sup>nd</sup>, 2011 annexation plans have been prepared by staff and referred to the Regional Planning Commission for recommendation. The second action in this process is for Council to pass a resolution stating their intent to annex, approve annexation plans and set public hearings for comment on the annexations before council.

## **Alternatives**

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

1. Approve the resolution of intent to annex, the attached annexation plan, and set public hearing on annexation for February 14, 2012
2. Choose not to approve the resolution of intent to annex, the attached annexation plan, and set public hearing on annexation for.
3. Modify the resolution of intent to annex, the attached annexation plan, and/or the public hearing date.
4. Postpone the issue

## **Recommendation**

At the January 4, 2012 meeting of the Hall County Regional Planning Commission a public hearing was held to take comment on the annexation plans for area 8b. Two members of the public spoke in opposition to the annexation of area 8b. One, a resident of Rainbow Lake and the other representing the owner of a 40+ acre parcel with a single house located between Rainbow Lake and U.S. Highway 34. The minutes of the Planning Commission Meeting pertaining to this item are attached. Planning Commission took separate votes on each area and recommended approval of all of the areas.

City staff also recommends that the Council approve the resolution of intent to annex, the attached annexation plan, and set a public hearing on annexation of this area for February 14, 2012.

## **Sample Motion**

Move to approve the resolution of intent to annex, the attached annexation plan, and set public hearings on annexation of Area 8b.

From the January 4, 2012 Planning Commission Minutes

#### **4. Public Hearing – Public Hearing – Annexation - (C-04-2012GI)**

**Annexation Area 8b** - This property is located in the southwest part of the city. It is south of US Hwy 34 and east of south Blaine Street. This property includes the Rainbow Lake area. Part of the SW ¼ of Section 28, Township 11 North, Range 9 and Part of the NW ¼ of Section 33, Township 11 North, Range 9 West of the 6<sup>th</sup> P.M.

O'Neill opened the Public Hearing.

Nabity explained to the Planning Commission and to the members of the audience that annexation was first talked about back in January of 2011 at the City Council retreat. Council then decided on potential area for Annexation and how this is part of the Comprehensive Plan for Grand Island. The Comprehensive Plan was adopted in 2004. On March 22, 2011, Council gave the go ahead to Planning to state the annexation process. Last fall there were five areas annexed into the City of Grand Island.

The City provides police, EMS and Fire protection. This area is also within the city's two mile jurisdiction and is subject to the current City building codes. With the annexation this would allow access to the City library without having to pay the Hall County fee.

Nabity noted that privately owned lakes within the City limits would still be privately owned lakes with no public access.

Vi Sheeks, 3623 S Blaine spoke against the annexation, she commented a few years ago when the Rainbow Lake area had issues with the sewer and came to the City for help they were refused. Homeowners then gathered together and paid to fix the issue themselves. She asked about Northwest High School and how they would be affected? She noted that those wanting sewer and water should be the ones to pay for this not the homeowner who already has functioning service and like the way things are now.

John Niedfelt, 1515 W Husker Hwy., spoke against the annexation. His mother owns 40+ acres and this would be an extreme expense to install sewer and water to the house. Niedfelt said this property will not become a developed property. He also questioned the upfront costs or future costs.

Nabity stated public works has formulated a plan to eliminate the lift station that is currently serving Rainbow Lake. A gravity main could be extended from the Knot subdivision northeast of Rainbow across the Robb property east of Catfish Avenue. The cost to run a gravity sewer line to the Rainbow Lake area is estimated at \$410,000.




O'Neill closed the Public Hearing.

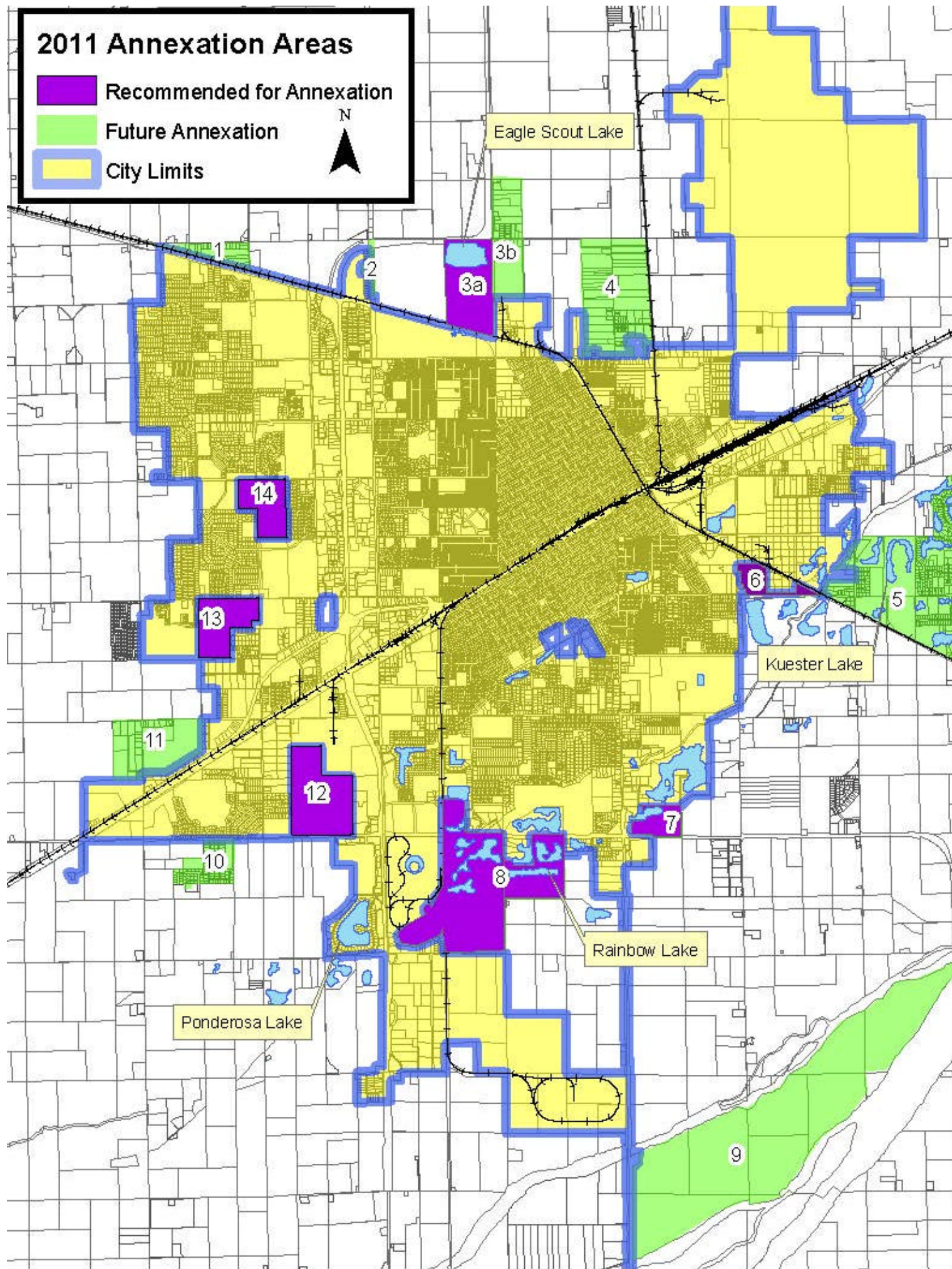
A motion was made by Erickson to not recommend Annexation of Area 8b, Rainbow Lakes to City Council and was seconded by Connelly. The motion failed with 5 members present voting in favor of not recommending Annexation to City Council (Hayes, Reynolds, Eriksen, Connelly and Snodgrass) and 6 voting against (McCarty, O'Neill, Ruge, Monter, Haskins and Bredthauer).

O'Neill looked for a new motion.

A motion was made by Bredthauer to approve the Annexation of Area 8b, Rainbow Lakes and recommend Annexation to City Council. Bredthauer noted some findings of facts were the City will assume the sewer responsibility, city sewer and water could be readily available and this area is surrounded by the City Limits and this does meet the guidelines as set forth in the Grand Island Comprehensive Plan. This was seconded by Haskins. The motion carried with 7 members present voting in favor of recommending the Annexation of Area 8b to City Council (McCarty, O'Neill, Ruge, Monter, Haskins, Bredthauer, and Snodgrass) and 4 voting no (Hayes, Reynolds, Eriksen and Connelly).

## 2011 Annexation Areas

-  Recommended for Annexation
-  Future Annexation
-  City Limits





# **ANNEXATION PLAN AREA 8b–December 2011**

December 16, 2011

## **OVERVIEW**

Section 16-117 of The Nebraska State Statute allows municipalities of the first class to annex any contiguous or adjacent lands, lots, tracts, streets, or highways that are urban or suburban in character and in such direction as may be deemed proper.

Regulations governing municipal annexation were implemented in order to develop an equitable system for adding to and increasing city boundaries as urban growth occurs. Areas of the community that are urban in nature, and are contiguous to existing boundaries, are appropriate for consideration of annexation.

Annexation of urban areas adjacent to existing city boundaries can be driven by many factors. The following are reasons annexation should be considered:

1. Governing urban areas with the statutorily created urban form of government, municipalities have historically been charged with meeting the needs of the expanded community.
2. Provide municipal services. Municipalities are created to provide the governmental services essential for sound urban development and for the protection of health, safety and well being of residents in areas that are used primarily for residential, industrial, and commercial purposes.
3. Ensure orderly growth pursuant to land use, building, street, sidewalk, sanitary sewer, storm sewer, water, and electrical services.
4. Provide more equitable taxation to existing property owners for the urban services and facilities that non-city residents in proposed annexation areas use on a regular basis such as parks, streets, public infrastructure, emergency services, retail businesses and associated support.
5. Ensure ability to impose and consistently enforce planning processes and policies.
6. Address housing standards and code compliance to positively impact quality of life for residents.
7. Enable residents of urban areas adjacent to city to participate in municipal issues, including elections that either do or will have an impact on their properties.
8. Anticipate and allocate resources for infrastructure improvements.
9. Increase number of street or lane miles while increasing gas tax dollars received from the Nebraska Department of Roads.
10. Provide long term visioning abilities as it relates to growth and provision of services.

## **City Services Available and to be provided**

A comprehensive inventory of services and facilities, relative to the types and level of services currently being provided as well as the types of level of services anticipated as a result of annexation, has been developed.

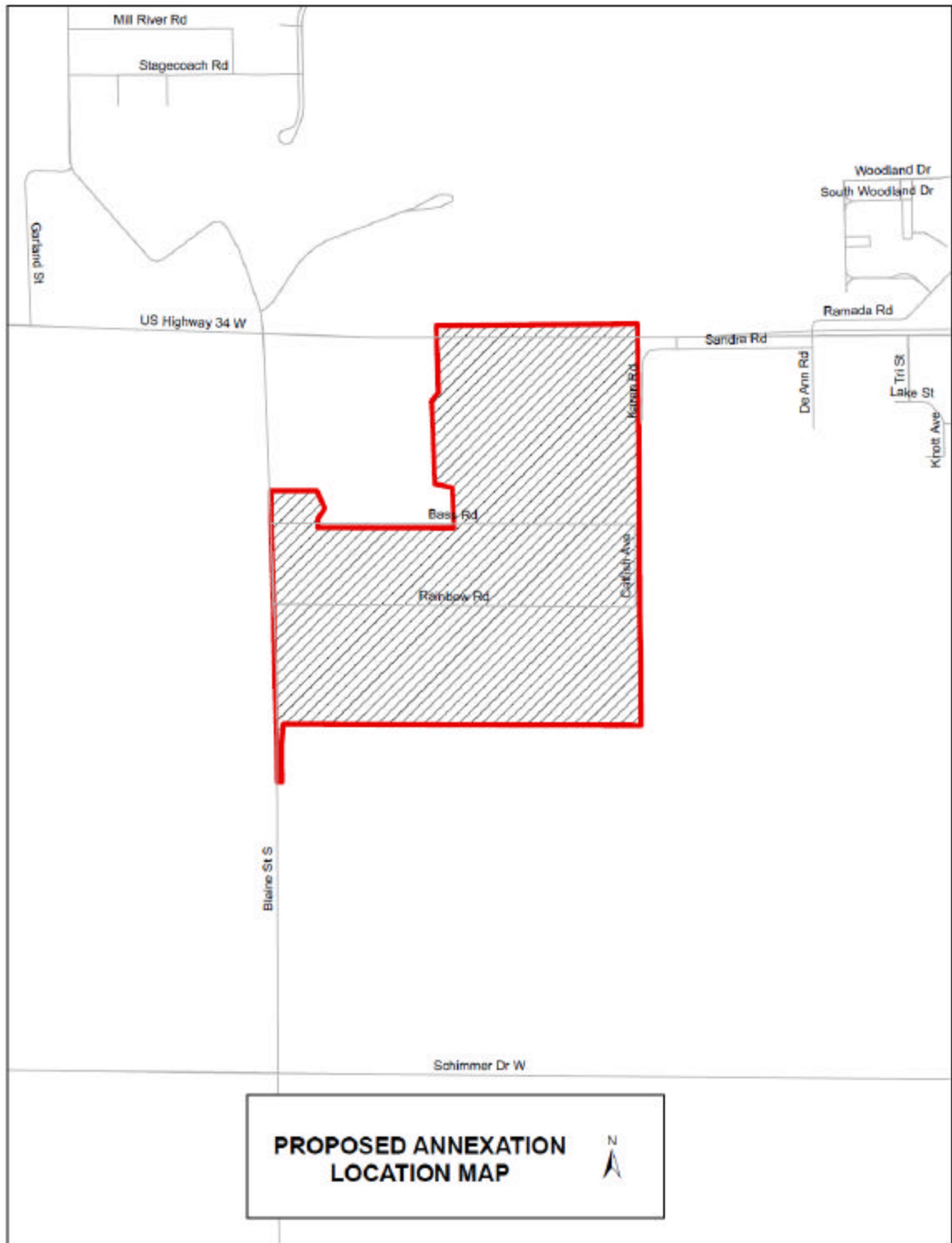
The inventory includes general information concerning:

- Existing infrastructure in affected area(s)
- Summary of expenditures to extend existing infrastructure
- Summary of operating expenditures associated with increased services
- Emergency services

The service plan incorporates detailed elements of the inventory. The inventory and resulting service plan should be the basis for discussions concerning each specific area identified for potential annexation. *It should be noted that the capital improvements to existing infrastructure and extending services will take place over a period of time in order to ensure adequate time for planning, designing, funding and constructing such a sizable number of projects while protecting the financial integrity of the City's enterprise funds. The service plan provides for extending the trunk water and sanitary sewer lines to the annexed area if they are not already available. Individual property owners will be responsible for the cost of extending services through neighborhoods and for connecting their properties to the public systems.*

**City Services not requiring extension of infrastructure would be available immediately upon annexation. Services requiring extension of infrastructure would be available upon installation of services to City of Grand Island standards and acceptance into the City systems. Extension may be contingent on the successful creation and continuation of an assessment district to raise the necessary funding for installation.**





**South of U.S. Highway 34 and east of Blaine Street (Rainbow Lake)**

This property is located in the south central part of the community. It is south of U.S. Highway 34 and on the east side of Blaine Street. The City of Grand Island provides electric services to the area. Sewer is available to some of the properties and water is

available to all of the properties. There are about 129 acres of property included in the area. The property is currently used primarily for residential and agricultural purposes. There are 46 houses included in this area with an estimated population of 175.

## INVENTORY OF SERVICES

1. Police Protection. The City of Grand Island Police Department will provide protection and law enforcement services in the annexation area. These services include:

- Normal patrols and responses
- Handling of complaints and incident reports
- Investigation of crimes
- Standard speed and traffic enforcement
- Special units such as traffic enforcement, criminal investigations, narcotics, and gang suppression

These services are provided, on a city-wide basis. The Police Department has an authorized police force of 77 officers. The Police Department is staffed at a rate of 1.58 officers per one thousand population persons. Immediate annexation of the area will not have any impact on police services. The area when fully developed will likely create the need for additional police staffing.

2. Fire Protection. The City of Grand Island Fire Department will provide emergency and fire prevention services in the annexation area. These services include:

- Fire suppression and rescue
- Hazardous materials incident response
- Periodic inspections of commercial properties
- Public safety education

These services are provided, on a city-wide basis, by 69 employees operating from four fire stations. The nearest fire station is Station #3 located on Webb Road about 2 miles from the proposed annexation area.

3. Emergency Medical Services. The City of Grand Island is the current provider of local emergency medical services in the city and will provide this service in the annexed area.

- Emergency medical and ambulance services
- Emergency dispatch (provided by the City/County Emergency Management Department)

The City of Grand Island Fire Department provides these services, on a city-wide basis. Fire personnel are emergency medical technicians and 32 are certified paramedics.

4. Wastewater (Sanitary Sewer). The City of Grand Island has sanitary sewer services in the area through existing sewer lines. A collection system could be extended throughout the property when development occurs. Collection systems within a

development are typically done at the property owner's expense. The City can finance this development through the creation of an assessment district. The cost of the collection system is dependent on the nature, density and design of the development proposed on the site. Rainbow Lake is currently served by a private sewer line and lift station. The city will take over maintenance and control of the private line from the homeowners association. This will allow the City to permit access to this line to other development as needed. The City Public Works Department has preliminary designs for a plan that could result in the elimination of the lift station. The estimated cost of installing the new gravity line is \$410,000. This would also allow for additional development between U.S Highway 34 and the Wood River Diversion Channel.

5. Maintenance of Roads and Streets. The City of Grand Island, Public Works Department, will maintain public streets over which the City has jurisdiction. These services include:

- Snow and ice removal
- Emergency pavement repair
- Preventative street maintenance
- Asphalt resurfacing
- Ditch and drainage maintenance
- Sign and signal maintenance
- Asphalt resurfacing

A portion of Bass Road is already within the City jurisdiction. The remainder of Bass Road, along with Catfish Avenue, Rainbow Road and Blaine Street would become the responsibility of the City.

6. Electric Utilities. This Annexation area is currently provided electrical services by the City of Grand Island. The services appear adequate to meet the needs of the area. These services include:

- Electric utility services
- Street lights

7. Water Utilities. The City of Grand Island, Utilities Department, currently maintains the water utilities services for the proposed annexation area. No additional mains are necessary to serve this property. Additional extensions will be necessary to serve the property as it is developed. The cost of extending water throughout the property dependent on the nature, density and design of the development proposed on the site. \*Based on the current cost to construct water mains the City Utilities Department is estimating the cost of construction of a water main around Rainbow Lake at \$631,600 this would include the necessary taps and hydrants. The estimated cost to the City is \$68,200 for the installation of oversized lines. The remaining \$563,400 could be financed through the creation of an assessment district. Water is available along U.S Highway 34, and Schimmer Drive.

8. Maintenance of Parks, Playgrounds, and Swimming Pools No impact is anticipated as a result of annexation. Hall County Park is within the area but there is no

requirement that the City take any responsibility for Hall County facilities that are within the municipal limits. No impacts are anticipated. Rainbow Lake is a privately owned lake and annexation does not provide public access to private property.

9. Building Regulations. The City of Grand Island, Building Department, will oversee services associated with building regulations, including:

- Commercial Building Plan Review
- Residential Building Plan Review
- Building Permit Inspections and Issuance
- Investigation of complaints relative to Minimum Housing Standards
- Regulation of Manufactured Home Parks
- Investigation of Illegal Business Complaints
- Investigation and Enforcement of Zoning Violations

10. Code Compliance. The City of Grand Island's Legal Department and Code Compliance division will continue to provide the following services associated with enforcing compliance with the City Code:

- Enforcement Proceedings for Liquor and Food Establishment Violations
- Investigation and Enforcement of Complaints Regarding Junked Vehicles and Vehicle Parts, Garbage, Refuse and Litter
- Investigation of Enforcement of Complaints Regarding Weed and Animal Violations
- Providing Enforcement Support to Other Departments for City Code and Regulatory Violations

11. Library Services. In 2010 the City of Grand Island began charging a non-resident fee to people living outside of the Grand Island City Limits for library services. Residents of this area will no longer be required to pay this fee to use the Grand Island library.

12. Other City Services. All other City Departments with jurisdiction in the area will provide services according to city policies and procedures.

Summary of Impacts	
Police Protection	No Impact
Fire Protection	No Impact
Emergency Medical Services	No Impact
Wastewater	Available and can be extended
Roads and Streets	Some additional responsibility for Blaine Street, part of Bass Road, Rainbow Road and Catfish Avenue
Electric Service	Already in GI Service Area
Water Service	Available
Parks, Playgrounds and Swimming Pools	No Impact
Building Regulations	Already Subject to GI Regulations
Code Compliance	Already Subject to GI Regulations

Library	Would be available at no additional fee
Other	No Impact
School District	In Cedar Hollow/Northwest School District

**Financial Impacts of the Properties west of Blaine Street generally south of Stage Coach Road and north of Schimmer Drive Annexation**

<b>Financial Impact</b>	<b>Before Annex</b>	<b>After Annex</b>
2010 Property Valuation	\$	\$9,668,384
City sales tax now applicable	No	Yes

**Assume \$9,668,384 Value**

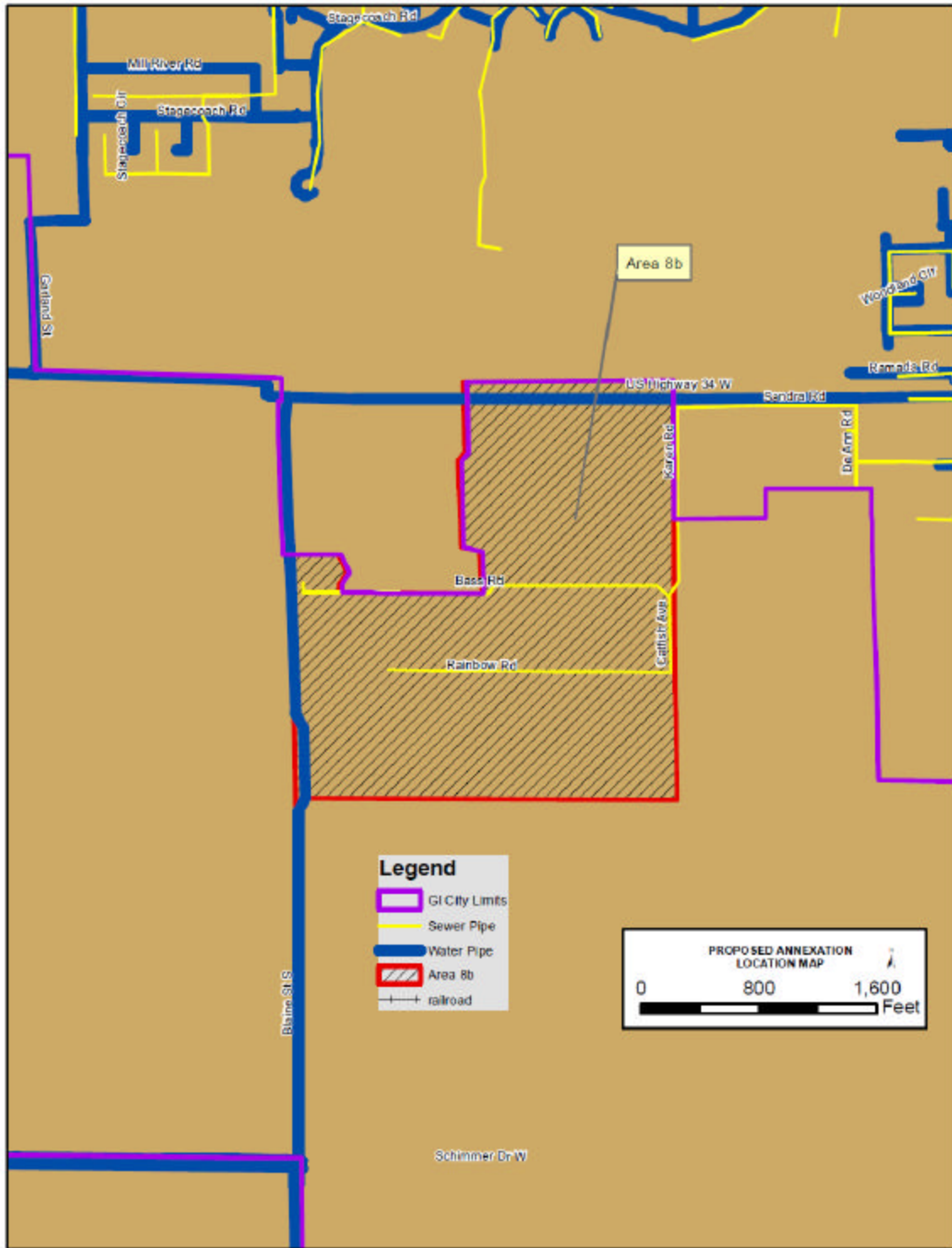
<b>Tax Entity</b>	<b>Bond</b>	<b>2010 Levy</b>	<b>2010 Taxes</b>	<b>2010 Levy</b>	<b>2010 Taxes</b>
City Levy	City Bond		\$0.00	0.204855	\$19,806.17
			\$0.00	0.067645	\$6,540.18
CRA			\$0.00	0.017742	\$1,715.36
Hall County		0.430957	\$41,666.58	0.430957	\$41,666.58
Rural Fire	Fire Bond*	0.049493	\$4,785.17	0.008064	\$0.00
		0.008064	\$779.66		\$779.66
GIPS School	2nd Bond		\$0.00	1.073899	\$103,828.68
			\$0.00	0.082245	\$7,951.76
	4th Bond		\$0.00	0.045144	\$4,364.70
NW School		1.012636	\$97,905.54	0.049034	\$0.00
	6th Bond	0.049034	\$4,740.80		\$4,740.80
ESU 10		0.015	\$1,450.26	0.015	\$1,450.26
CCC		0.112023	\$10,830.81	0.112023	\$10,830.81
CPNRD		0.04733	\$4,576.05	0.04733	\$4,576.05
Ag Society		0.004168	\$402.98	0.004168	\$402.98
Airport		0.011825	\$1,143.29	0.011825	\$1,143.29
	Airport Bond	0.010493	\$1,014.50	0.010493	\$1,014.50
<b>Total Combined</b>		<b>1.751023</b>	<b>\$169,295.63</b>	<b>2.180424</b>	<b>\$210,811.77</b>

Hall County, ESU, Community College, NRD and other levies will not change.

Total property tax levy            1.751023/\$169,295.63            2.180424/\$210,811.77

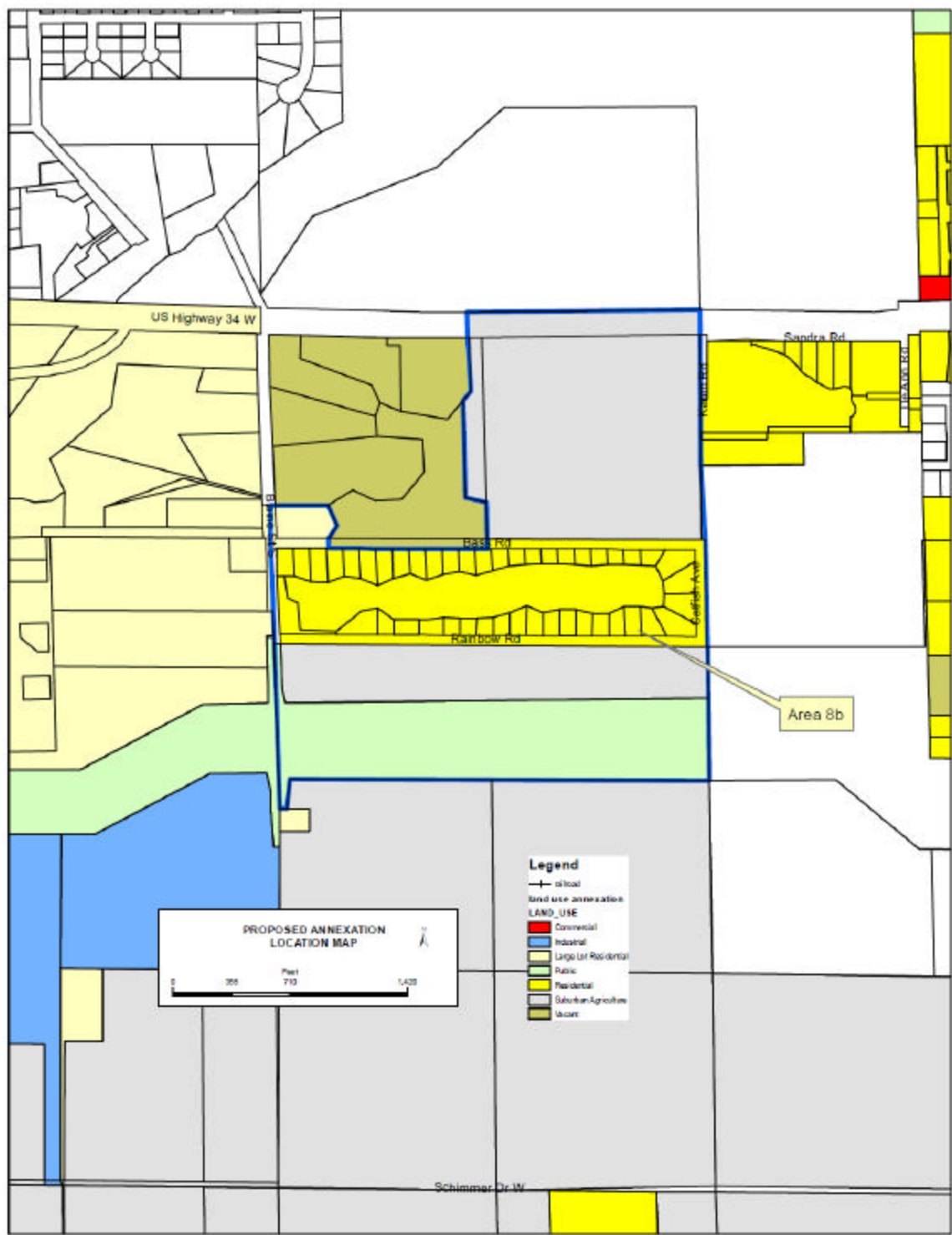
Depending on development these properties will connect to city water and sewer services and generate revenue for those enterprise funds based on the rate structure and usage.

\*previously approved bonds will remain with property until paid off



Location of Sewer and Water Lines near area 7





Generalized Existing Land Use December 2011

## RESOLUTION NO. 2012-13

WHEREAS, the City of Grand Island, in accordance with Neb. Rev. Stat. §16-117, et seq., is considering the annexation of the land and a plan for extending city services to the adjacent and contiguous land which are urban or suburban in character and legally described as

Annexation Area 8b as follows and as shown on Exhibit A attached hereto and incorporated herein by this reference:

Annexation Area 8b:

Beginning At A Point On The East Line Of The Southwest Quarter Section 28-11-9 Where It Intersects The North Right Of Way Line Of Nebraska Hwy 34, Husker Highway Said Point Being 92.4' North Of The Quarter Corner Common To The Southwest Quarter Section 28-11-9 And The Northwest Quarter Section 33-11-9 Thence Southerly On The Easterly Line Of Southwest Quarter Of Section 28-11-9 For A Distance Of 92.4' To The Southeast Corner Of Southwest Quarter Section 28-11-9 Thence Continuing Southerly On The East Line Of Northwest Quarter Section 33-11-9 To The Southeast Corner Of Said Northwest Quarter Section 33-11-9 Thence Continuing Southerly On The East Line Of The Southwest Quarter Section 33-11-9 For A Distance Of 153.29' Thence Westerly On A Line 153.29' South Of And Parallel To The North Line Of Said Southwest Quarter Section 33-11-9 To A Point On The West Line Of Section 33-11-9 Thence Northerly On The West Line Of Section 33-11-9 To The Southwest Corner Of Rainbow Lake Third Subdivision Thence Continuing North On The West Line Of Rainbow Lake Third Subdivision, Rainbow Lake Subdivision To The Northwest Corner Of Rainbow Lake Subdivision, Said Point Also Being The Northwest Corner Of North Half Of South Half Of Northwest Quarter Section 33-11-9 Thence Continuing Northerly On The West Line Of Section 33-11-9 To The Northwest Corner Lake Heritage Subdivision Thence Easterly On The North Line Of Lake Heritage Subdivision For A Distance Of 357' Thence Southeasterly On A Line For A Distance Of 136.52' Thence Southwesterly On A Line For A Distance Of 91.01' To The North Line Of Bass Road Thence South On A Line Perpendicular To The North Line Of Bass Road To The South Line Of Bass Road Thence Easterly On The South Line Of Bass Road To A Point Being An Extension Of The East Line Of Lake Heritage Second Subdivision Thence Northerly On The Line Of Lake Heritage Second Subdivision And Said Extension To A Point 223.81' North Of The North Line Of Bass Road Thence Northeasterly On A Line For A Distance Of 128.88' Thence Northerly On A Line For A Distance Of 588.44' To A Point On The South Line Of Lot 5 Lake Heritage Second Subdivision Thence Northeasterly On A Line For A Distance Of 74.74' Thence Northerly On The East Line Of Lot 5 Lake Heritage Second Subdivision And An Extension There Of To The North Line Of Nebraska State Highway No. 34 Thence Easterly On The North Line Of Nebraska Highway 34, Husker Highway To the Point Of Beginning.

As shown on Exhibit "A" attached hereto and incorporated herein by this reference.

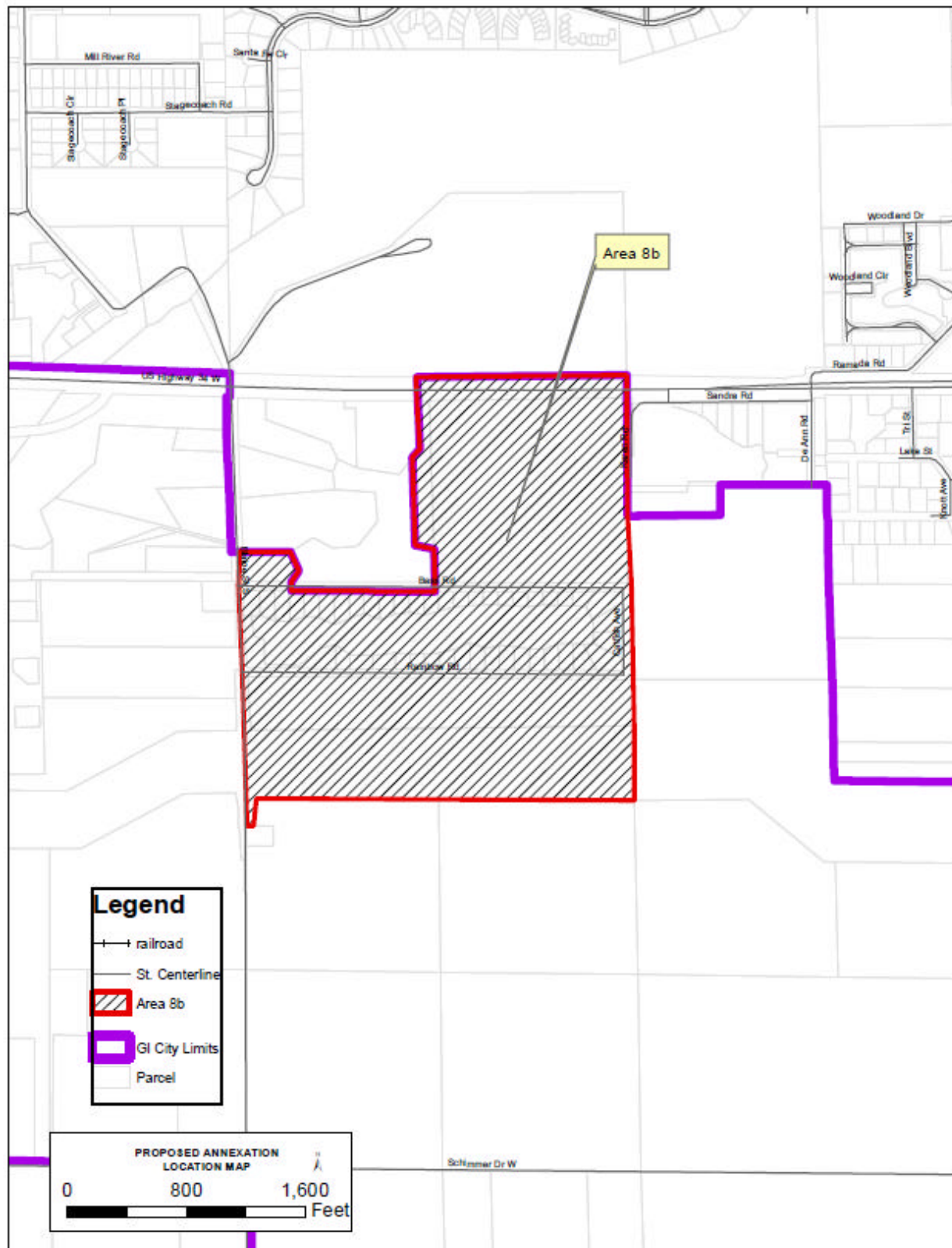


Exhibit "A"

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that a plan outlining the city services available to the above-described land and showing or including: (a) the estimated cost impact of providing the services to such land, (b) the method by which the city is financing the extension of services to the land and how services already provided will be maintained, (c) maps drawn to scale clearly delineating the land proposed for annexation, (d) maps showing the current boundaries of the city, (e) maps showing the proposed boundaries of the City after the annexation, and (f) maps showing the general land-use pattern in the land proposed for annexation is hereby adopted and approved and shall be available for inspection during regular business hours in the office of the City Clerk.

BE IT FURTHER RESOLVED, that a public hearing before the Mayor and City Council on the proposed annexation shall be held at 7:00 p.m. on February 14, 2012 or as soon thereafter as the matter may be heard, in the Council Chambers at City Hall, 100 East First Street, Grand Island, Nebraska, to receive testimony from interested persons.

BE IT FURTHER RESOLVED, that the City Clerk be, and hereby is, authorized and directed to publish in the *Grand Island Independent* at least once, not less than ten days preceding the date of the public hearing, a copy of this Resolution and a map or maps drawn to scale delineating the land proposed for annexation.

BE IT FURTHER RESOLVED, that the City Clerk be, and hereby is, authorized and directed to send by first-class mail, a copy of the resolution providing for the public hearing to the school boards of the school districts including the lands proposed for annexation.

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Adopted by the City Council of the City of Grand Island, Nebraska, January 10, 2012.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk