
City of Grand Island



Tuesday, July 10, 2012
Council Session Packet

City Council:

Larry Carney
Linna Dee Donaldson
Scott Dugan
John Gericke
Peg Gilbert
Chuck Haase
Vaughn Minton
Mitchell Nickerson
Bob Niemann
Kirk Ramsey

Mayor:

Jay Vavricek

City Clerk:

RaNae Edwards

Immediately following the Council meeting
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.

Invocation - Pastor Bob Rhodes, Trinity United Methodist Church, 511 North Elm Street

Pledge of Allegiance

Roll Call

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.

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.



City of Grand Island

Tuesday, July 10, 2012

Council Session

Item E1

**Public Hearing on Acquisition of Utility Easement - 2533 Old
Potash Hwy. - Charter Communications**

Staff Contact: Tim Luchsinger, Utilities Director

Council Agenda Memo

From: Robert H. Smith, Asst. Utilities Director

Meeting: July 10, 2012

Subject: Acquisition of Utility Easement – 2533 Old Potash Hwy
Charter Communications VI, LLC

Item #'s: E-1 & G-2

Presenter(s): Timothy Luchsinger, Utilities Director

Background

Nebraska State Law requires that acquisition of property must be approved by City Council. The Utilities Department needs to acquire an easement relative to the property of Charter Communications, VI, LLC, located at 2533 Old Potash Highway, in the City of Grand Island, Hall County, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

Discussion

Charter Communications is increasing the size of their service and adding the capability for an emergency generator. This easement will be used to locate underground conduit, cable, and a three phase pad-mounted transformer to serve the new load.

Alternatives

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

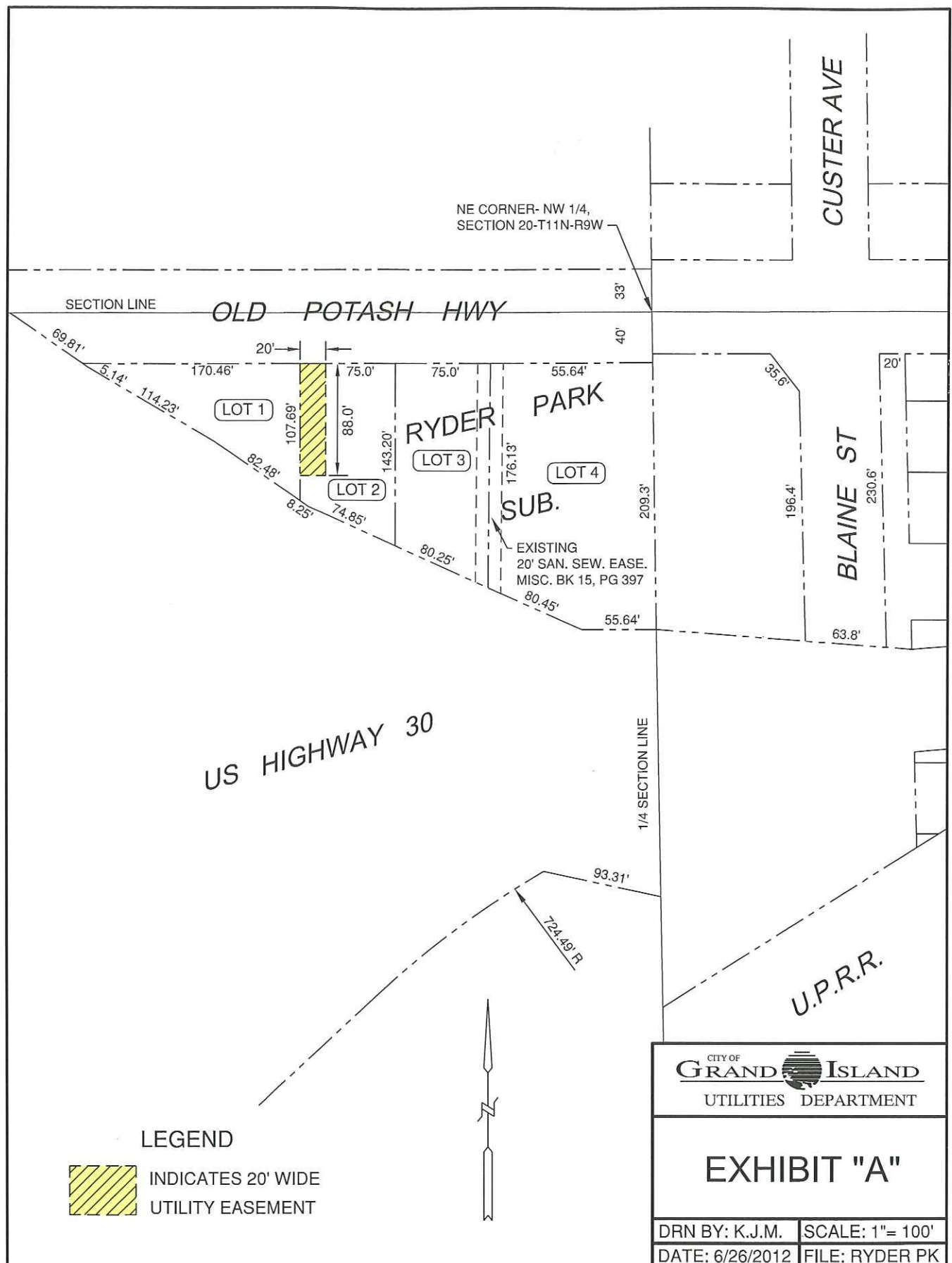
1. Make a motion to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the resolution for the acquisition of the easement for one dollar (\$1.00).

Sample Motion

Move to approve acquisition of the Utility Easement.





City of Grand Island

Tuesday, July 10, 2012

Council Session

Item E2

Public Hearing on Acquisition of Utility Easement - 2103 Pioneer Blvd. - Crisel

Staff Contact: Tim Luchsinger, Utilities Director

Council Agenda Memo

From: Robert H. Smith, Asst. Utilities Director

Meeting: July 10, 2012

Subject: Acquisition of Utility Easement – 2103 Pioneer Blvd.
James F. Crisel

Item #'s: E-2 & G-3

Presenter(s): Timothy Luchsinger, Utilities Director

Background

Nebraska State Law requires that acquisition of property must be approved by City Council. The Utilities Department needs to acquire an easement relative to the property of James F. Crisel, located at 2103 Pioneer Blvd., in the City of Grand Island, Hall County, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

Discussion

The customer is increasing the size of his electrical service due to increased load. This easement will be used to locate underground cable, conduit and a pad-mounted transformer closer to the increased load.

Alternatives

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

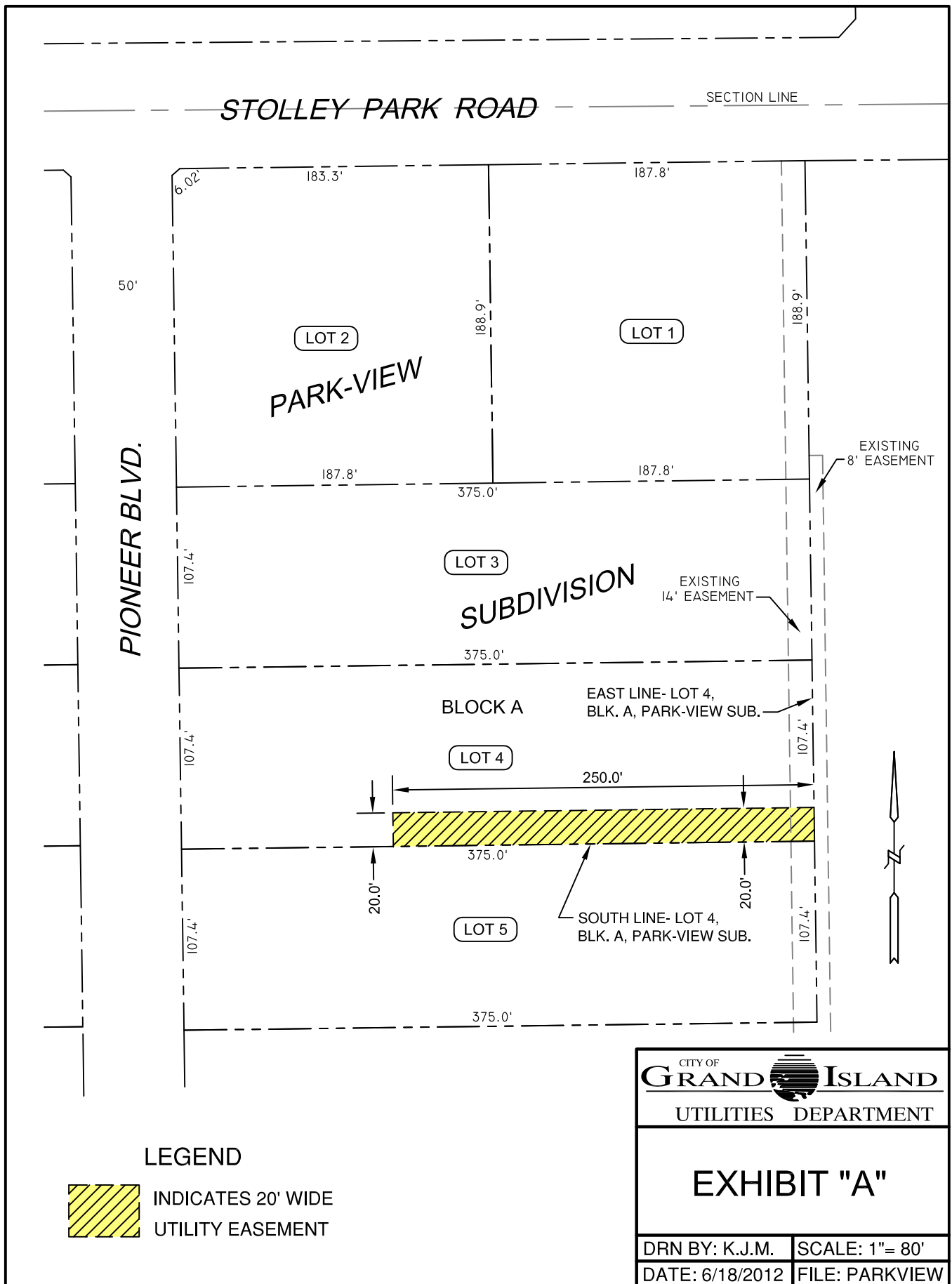
1. Make a motion to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the resolution for the acquisition of the easement for one dollar (\$1.00).

Sample Motion

Move to approve acquisition of the Utility Easement.





City of Grand Island

Tuesday, July 10, 2012

Council Session

Item F1

**#9390 - Amending Chapter 2 of the Grand Island City Code to
Require City Council Approval of Future Hires of Certain
Department Directors**

Staff Contact: Robert J. Sivick, City Attorney

Council Agenda Memo

From: Robert J. Sivick, City Attorney

Meeting: July 10, 2012

Subject: Amending Chapter 2 of the Grand Island City Code to Require City Council Approval of Future Hires of Certain Department Directors

Item #'s: F-1

Presenter(s): Robert J. Sivick, City Attorney

Background

As a City of the First Class as defined under Nebraska law, the City of Grand Island (City) is governed by the provisions of Chapter 16 of the Nebraska Revised Statutes.

Neb. Rev. Stat. §16-308 sets forth appointive or statutory officers for Cities of the First Class. Those officers consist of the Administrator, Attorney, Treasurer (Finance Director), Engineer (Public Works Director), and Clerk. Those officers are appointed by the Mayor with the approval of the City Council. Grand Island City Code (Code) §2-30 mirrors the State statute cited above.

At the June 26, 2012 meeting of the Grand Island City Council (Council) Ordinance No. 9389 was approved. That ordinance required Council approval of future Police and Fire Chiefs hired by the Mayor.

Presently all other City Department Directors are hired by the Mayor without Council approval.

At the June 26, 2012 Council meeting a Motion to Amend Ordinance No. 9389 was offered which would have required that additional Department Directors be hired with Council approval. That Motion was withdrawn due to concerns regarding the Nebraska Open Meetings Act's provisions requiring sufficient notice to the public.

This Ordinance reflects City staff's effort to comply with Council direction as set forth at the June 26, 2012 meeting.

Discussion

The City has three Department Directors who are subject to the authority of public bodies other than the Council. They are:

1. Regional Planning Director

This Director not only carries out planning duties for the City but the City of Wood River, the Villages of Alda, Cairo, and Doniphan and Hall County. His appointment is subject to Part 3, paragraph 7 of the 1974 Interlocal Agreement creating the Regional Planning Commission. I believe to require this hire be approved by Council would require revision of the Interlocal Agreement and the acquiescence of the parties to that agreement.

2. Emergency Management Director

This Director is subject to the Interlocal Agreement between the City and Hall County regarding joint emergency management services. I believe to require this hire be approved by Council would require revision of the Interlocal Agreement and the acquiescence of Hall County.

3. Library Director

This Director is subject to Article 2, Chapter 51 of the Nebraska Revised Statutes which authorizes library boards to appoint librarians. I believe to require this hire be approved by Council would require the Legislature to amend the relevant statutes.

Accordingly, the proposed ordinance will only require Council approval for future hires of the Directors of the following departments: Building, Human Resources, Parks and Recreation, and Utilities. Each of these Department Directors will continue to be subject to the City Personnel Rules.

Alternatives

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

1. Move to approve the proposed Ordinance.
2. Refer the issue to a Committee.
3. Postpone the issue to future date.
4. Take no action on the issue.

Sample Motion

Move to approve Ordinance No. 9390 amending Chapter 2 of the Grand Island City Code regulating the appointment of certain Department Directors.

ORDINANCE NO. 9390

An ordinance to amend Section 2-31 of the Grand Island City Code, regulating the hiring of certain Department Directors, and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION I. Section 2-31 of the Grand Island City Code be hereby amended to read as follows:

§2-31. Hired Officials

The officials set forth below shall be hired officials which shall be selected for employment by the city as set forth in the personnel rules and regulations. All of the hired officials shall be subject to the personnel rules of the City of Grand Island as adopted by resolution. The personnel rules are supplemental to the civil service rules for the officials set forth in subparagraph (B) ~~who shall be appointed by the Mayor with the approval of the City Council~~, and supplemental to the terms of interlocal agreements pertaining to the officials set forth in subparagraph (C) below. The officials listed in subparagraphs (A) and (B) shall be hired by the Mayor with the approval of the City Council. The length of service of all the officials listed below shall be indefinite. The discipline and/or removal of the officials listed in subparagraphs (A), (C), and (D) shall be governed by the City's personnel rules. The discipline and/or removal of the officials listed in subparagraph (B) shall be governed by the City's personnel and civil service rules.

(A) The following shall constitute the general officials of the City of Grand Island:

Building Department Director
Human Resources Director
~~Library Director~~
Parks and Recreation Director
Utility Director

(B) The following shall constitute the officials subject to the civil service rules of the City of Grand Island:

Fire Chief
Police Chief

(C) The following shall constitute the interlocal officials of the City of Grand Island:

Approved as to Form	by _____
July 6, 2012	City Attorney

ORDINANCE NO. 9390 (Cont.)

Emergency Management Director
Planning Director

(D) The following shall constitute the official subject to the provisions of Article 2, Chapter 51 of the Nebraska Revised Statutes pertaining to libraries:
Library Director

SECTION II. Any ordinances or parts of ordinances in conflict are hereby repealed.

SECTION III. This ordinance shall be in full force and will take effect from and after its passage and publication pursuant to law.

Enacted: July 10, 2012.

Jay Vavricek, Mayor

ATTEST:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, July 10, 2012

Council Session

Item G1

Approving Minutes of June 26, 2012 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING
June 26, 2012

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 June 26, 2012. Notice of the meeting was given in *The Grand Island Independent* on June 20, 2012.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following City Council members were present: Chuck Haase, Larry Carney, Bob Niemann, Kirk Ramsey, Peg Gilbert, Mitch Nickerson, Linna Dee Donaldson, Scott Dugan, Vaughn Minton, and John Gericke. The following City Officials were present: City Clerk RaNae Edwards, City Attorney Robert Sivick, Public Works Director John Collins and Finance Director Jaye Monter.

INVOCATION was given by Pastor Dan O'Neill, Abundant Life Christian Center, 3411 West Faidley Avenue followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Rebecca Riley and Board member Randy See.

Mayor Vavricek announced that he asked and received the resignation of City Administrator Mary Lou Brown effective September 30, 2012. He stated he would seek an interim city administrator with council input and consult with Council President Gilbert to determine if anyone on staff may work or if another interim outside of city employment might be a possibility. Announced was the formation of a Mayor's Advisory Group for input on this position and to move the City forward.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Pandemic 2012 Zombie Week" June 30 – July 1, 2012. Mayor Vavricek and the City Council recognized the "Pandemic 2012 Zombie Week: beginning June 30 through July 1, 2012. Present to receive the proclamation was Interim Parks and Recreation Director Todd McCoy, Heartland Public Shooting Park Superintendent Bill Starkey, Jason Hornady, Steve Hornady, Bill Davies, and Kent Koehn.

Recognition of Public Works Department Streets Division. Mayor Vavricek and the City Council recognized the Public Works Department Streets Division for work on the Sycamore Street underpass. Public Works Director John Collins commented on the work done by the Streets Department. Present for the recognition was Street Superintendent Shannon Callahan, Dave Wells and Pete DeLeon.

PUBLIC HEARINGS:

Public Hearing on Request from Los Dos Hermanos Mexican Restaurant, LLC dba Los Dos Hermanos Mexican Restaurant, 2004 North Broadwell Avenue for a Class "I" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "I" Liquor License had been received from Los Dos Hermanos Mexican Restaurant, LLC dba Los Dos Hermanos Mexican

Restaurant, 2004 North Broadwell Avenue. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on May 23, 2012; notice to the general public of date, time, and place of hearing published on June 16, 2012; notice to the applicant of date, time, and place of hearing mailed on May 23, 2012; along with Chapter 4 of the City Code. Staff made no recommendation. No public testimony was heard.

Public Hearing on Request from Dreisbach's Steak House, Inc. dba Dreisbach's Carry-Out, 3337 West State Street #D for a Class "CK" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "CK" Liquor License had been received from Dreisbach's Steak House, Inc. dba Dreisbach's Carry-Out, 3337 West State Street #D. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on June 1, 2012; notice to the general public of date, time, and place of hearing published on June 16, 2012; notice to the applicant of date, time, and place of hearing mailed on June 1, 2012; along with Chapter 4 of the City Code. Staff recommended approval. No public testimony was heard.

Public Hearing on Request from Zoul Hospitality, LLC dba Willman's Express Bottle Market, 404 South Webb Road for a Class "C" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "C" Liquor License had been received from Zoul Hospitality, LLC dba Willman's Express Bottle Market, 404 South Webb Road. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on June 6, 2012; notice to the general public of date, time, and place of hearing published on June 16, 2012; notice to the applicant of date, time, and place of hearing mailed on June 6, 2012; along with Chapter 4 of the City Code. Staff recommended approval. No public testimony was heard.

Public Hearing on Request to Rezone Property Located at 4223 Shanna Street from LLR Large Lot Residential to R1 Suburban Residential. Regional Planning Director Chad Nabity reported that a request had been made to rezone properties consisting of 2.885 acres located west of Independence and north of 13th Street, Lot 1 of Western Heights Sixth Subdivision from LLR Large Lot Residential Zone to R1 Suburban Residential Zone. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 4106 West Stolley Park Road (Green Line Equipment, Inc.). Utilities Director Tim Luchsinger reported that acquisition of real estate located at 4106 West Stolley Park Road was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers for the purpose of placing City owned electric and water lines through the property to provide the utilities to the new building currently under construction by Green Line Equipment, Inc. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 3751 East U.S. Highway 34 (Doralene and John Niedfelt, Trustees of the Jerome Niedfelt Family Trust). Utilities Director Tim Luchsinger reported that acquisition of real estate located at 3751 East U.S. Highway 34 was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers for the purpose of allowing a power line from an existing line

across the Niedfelt property to a new home being built south and west of this property. Staff recommended approval. No public testimony was heard.

ORDINANCES:

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

#9388 – Consideration of Request to Rezone Property Located at 4223 Shanna Street from LLR Large Lot Residential to R1 Suburban Residential

#9389 – Consideration of Amending Chapter 2 of the Grand Island City Code to Require City Council Approval of Future Appointments of Police and Fire Chiefs

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 second reading and then upon final passage and call for a roll call vote on each reading and then upon final passage.” Councilmember Nickerson seconded the motion. Upon roll call vote, all voted aye. Motion adopted.

#9388 – Consideration of Request to Rezone Property Located at 4223 Shanna Street from LLR Large Lot Residential to R1 Suburban Residential

Motion by Donaldson, second by Niemann to approve Ordinance #9388.

City Clerk: Ordinance #9388 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #9388 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9388 is declared to be lawfully adopted upon publication as required by law.

#9389 – Consideration of Amending Chapters 2 and 12 of the Grand Island City Code to Require City Council Approval of Future Appointments of Police and Fire Chiefs

City Attorney Robert Sivick reported that Ordinance #9389 would amend the Grand Island City Code Chapters 2 and 12 to require the mayoral appointment of a Police and/or Fire Chief be approved by the Council.

Lewis Kent, 624 Meves Avenue and Paul Wieck, 936 South Kimball spoke in support.

Motion by Gilbert, second by Dugan to approve Ordinance #9389.

Comments were made by council regarding the importance of council involvement in these two positions.

Motion by Carney, second by Niemann to amend Ordinance #9389 to include the Utilities and Library Director.

City Attorney Bob Sivick recommended this amendment be brought back to Council in two weeks for property notice to the public. The motion was withdrawn.

City Clerk: Ordinance #9389 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #9389 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9389 is declared to be lawfully adopted upon publication as required by law.

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

Approving Minutes of June 12, 2012 City Council Regular Meeting.

#2012-155 – Approving Final Plat and Subdivision Agreement for Western Heights 7th Subdivision. It was noted that Thomas & Vickie Connelly, owners, had submitted the Final Plat and Subdivision Agreement for Western Heights 7th Subdivision for the purpose of creating 4 lots on property located west of Independence Avenue and north of 13th Street containing 2.885 acres.

#2012-156 – Approving Acquisition of Utility Easement Located at 4106 West Stolley park Road (Green Line Equipment).

#2012-157 – Approving Acquisition of Utility Easement Located at 3751 East U.S. Highway 34 (Niedfelt).

#2012-158 – Approving Bid Award for Steam Generator Boiler Repair at Platte Generating Station with Hayes Mechanical of Omaha, NE in an Amount of \$145,600.00.

#2012-159 – Approving Change Order #1 with Kiewit Power Engineer of Lenexa, KS for Air Quality Control System Engineering Services at Platte Generating Station for an Increase of \$82,992.00 and a Revised Contract Amount of \$432,032.00.

#2012-160 – Approving Agreement for Administrative Services & Development of Promotional Materials Regarding MEAN Nebraska Refrigeration Recycling Program for an Amount not-to-exceed \$3,250.00.

#2012-161 – Approving Termination of Notice of WEC2 Marketing Service.

#2012-162 – Approving Changing the Name of the Public Library's Heritage Room to the Roberta A. Lawrey Heritage Room.

#2012-163 – Approving Change Order No. 4 for Contract Time Extension for the Aeration Basin Improvements at the Wastewater Treatment Plant with Oakview dck, LL of Red Oak, IA.

#2012-164 – Approving Certificate of Final Completion for Handicap Ramp Project No. 2012-1 with The Diamond Engineering Company of Grand Island, NE.

#2012-165 – Approving Program Supplemental Agreement No. 3 with the State of Nebraska Department of Roads for the Walk to Walnut Project.

#2012-166 – Approving Microsoft License Enterprise Agreement Update with En Pointe Technologies in an Amount of \$80,857.68 plus Mandatory True-Up Costs of \$42,159.00.

REQUESTS AND REFERRALS:

Consideration of Request from Nebraska State Fair for Modification to Conditional Use Permit for Recreational Vehicle Camper Site at Fonner Park. Building Department Director Craig Lewis reported that a letter had been received from the Nebraska State Fair requesting the approval to allow for 78 sites within the recreational vehicle park to be primitive for the 2012 State Fair. Staff recommended approval of primitive sites for the 2012 State Fair and use of recreation sites throughout the year that are fully compliant.

Motion by Haase, second by Ramsey to approve the request from the Nebraska State Fair for Modification to the Conditional Use Permit for Recreation Vehicle Camper Site at Fonner Park of primitive sites for the 2012 State Fair and use of recreation sites throughout the year that are fully compliant. Upon roll call vote, all voted aye. Motion adopted.

Consideration of Referring Blight and Substandard Study for Proposed Redevelopment Area #10 to the Regional Planning Commission (South of Bismark and East of South Locust Street). Regional Planning Director Chad Nabity reported that a Substandard and Blight Study prepared for Larry Fowles by Marvin Planning Consultants was the first micro-blight study conducted in the City of Grand Island. This study was for approximately 7.5 acres of property in southeast Grand Island between Bismark Road and Phoenix Street and along Kimball and Oak Street. The next step in the process was for Council to refer this item to the Regional Planning Commission.

Motion by Donaldson, second by Gericke to refer the Blight and Substandard Study for Proposed Redevelopment Area #10 to the Regional Planning Commission. Upon roll call vote, all voted aye. Motion adopted.

Consideration of Referring Blight and Substandard Study for Proposed Redevelopment Area #11 to the Regional Planning Commission (Veterans Hospital Property South of Capital Avenue and East of Broadwell Avenue). Regional Planning Director Chad Nabity reported that a Substandard and Blight Study prepared for Pridon LLC by RDG Planning and Design was for approximately 27 acres of property in north central Grand Island encompassing the Veterans Hospital Campus south of Capital Avenue between Broadwell and Wheeler. The next step in the process was for Council to refer this item to the Regional Planning Commission.

Comments were made by Council regarding the need of this project for our veterans. Questioned was if this area met the qualifications for blight and substandard since it was owned by a government agency. Mr. Nabity stated this area did qualify.

Motion by Minton, second by Niemann to refer the Blight and Substandard Study for Proposed Redevelopment Area #11 to the Regional Planning Commission. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2012-167 – Consideration of Request from Los Dos Hermanos Mexican Restaurant, LLC dba Los Dos Heramanos Mexican Restaurant, 2004 North Broadwell Avenue for a Class “I” Liquor License and Liquor Manager Designation for Maria Rico, 617 West 13th Street. This item is related to the aforementioned Public Hearing.

Motion by Carney, second by Minton to make no recommendation to the NE Liquor Control Commission based on the Police Department report due to gross omissions, inaccuracies, and discrepancies in the application. Upon roll call vote, all voted aye. Motion adopted.

#2012-168 – Consideration of Request from Dreisbach’s Steak House, inc. dba Dreisbach’s Carry-Out, 3337 West State Street #D for a Class “CK” Liquor License and Liquor Manager Designation for Angela Dowd, 2140 2nd Avenue, Boelus, NE. This item is related to the aforementioned Public Hearing.

Motion by Ramsey, second by Donaldson to approve Resolution #2012-168 contingent upon final inspections and completion of a state approved alcohol server/seller training program. Upon roll call vote, all voted aye. Motion adopted.

#2012-169 – Consideration of Request from Zoul Hospitality, LLC dba Willman’s Express Bottle Market, 404 South Webb Road for a Class “C” Liquor License and Liquor Manager Designation for Zachary Zoul, 2723 Brentwood Blvd. This item is related to the aforementioned Public Hearing.

Motion by Carney, second by Gericke to approve Resolution #2012-169 contingent upon final inspections and completion of a state approved alcohol server/seller training program. Upon roll call vote, all voted aye. Motion adopted.

#2012-170 – Consideration of Amendment to City of Grand Island Police Officers’ Retirement System Plan and Trust. Finance Director Jaye Monter reported that Amendment No. 2 would incorporate recent changes to the Police Officers Retirement Act from Legislative Bill 1082. Greg Anderson, Wells Fargo Police Officers’ Retirement Plan Representative was present to answer questions. The cost increase amount would be \$48,000 annually.

Motion by Gilbert, second by Niemann to approve Resolution #2012-170. Upon roll call vote, all voted aye. Motion adopted.

#2012-171 – Consideration of Approving Boundaries for South Locust Street – Stolley Park Road to Fonner Park Road Business Improvement District 2012 and Appointing Board.

Community Development Administrator Marco Floreani reported that Business Improvement District (BID) #4 was set to expire on September 30, 2012. BID #4 would like to continue for one year with an interest to merge with BID #7 (Stolley Park Road to Highway 34) after September 30, 2013 when that BID expires. The first step to creating the district was to approve the boundaries and appoint a board. The following names were recommended for the board: Hugh Miner, Roy Nenemen, Bennett Chamness, Buzz Douhit, James Goodman, Kris Nolan Brown, and Scott Zana. Staff recommended approval.

Cindy Johnson, Chamber of Commerce President spoke in support.

Motion by Haase, second by Carney to approve Resolution #2012-171. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Gericke to approve the Claims for the period of June 13, 2012 through June 26, 2012, for a total amount of \$5,966,382.65. Unanimously approved.

Motion by Haase, second by Carney to remove Item X-1 Executive Session. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 8:10 p.m.

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, July 10, 2012

Council Session

Item G2

#2012-172 - Approving Acquisition of Utility Easement - 2533 Old Potash Hwy. - Charter Communications

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

Staff Contact: Tim Luchsinger, Utilities Director

RESOLUTION 2012-172

WHEREAS, a public utility easement is required by the City of Grand Island, from Charter Communications, VI, LLC, to survey, construct, inspect, maintain, repair, replace, relocate, extend, remove, and operate thereon, public utilities and appurtenances, including lines and transformers; and;

WHEREAS, a public hearing was held on July 10, 2012, for the purpose of discussing the proposed acquisition of an easement twenty feet in width, the centerline of which is located in the City of Grand Island, Hall County, Nebraska; and more particularly described as follows:

The westerly twenty (20.0) feet of the northerly eighty eight (88.0) feet of Lot Two (2), Ryder Park Subdivision.

The above-described easement and right-of-way containing 0.04 acres, more or less, as shown on the plat dated 6/26/2012, marked Exhibit "A" attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to acquire a public utility easement from Charter Communications VI, LLC, on the above-described tract of land.

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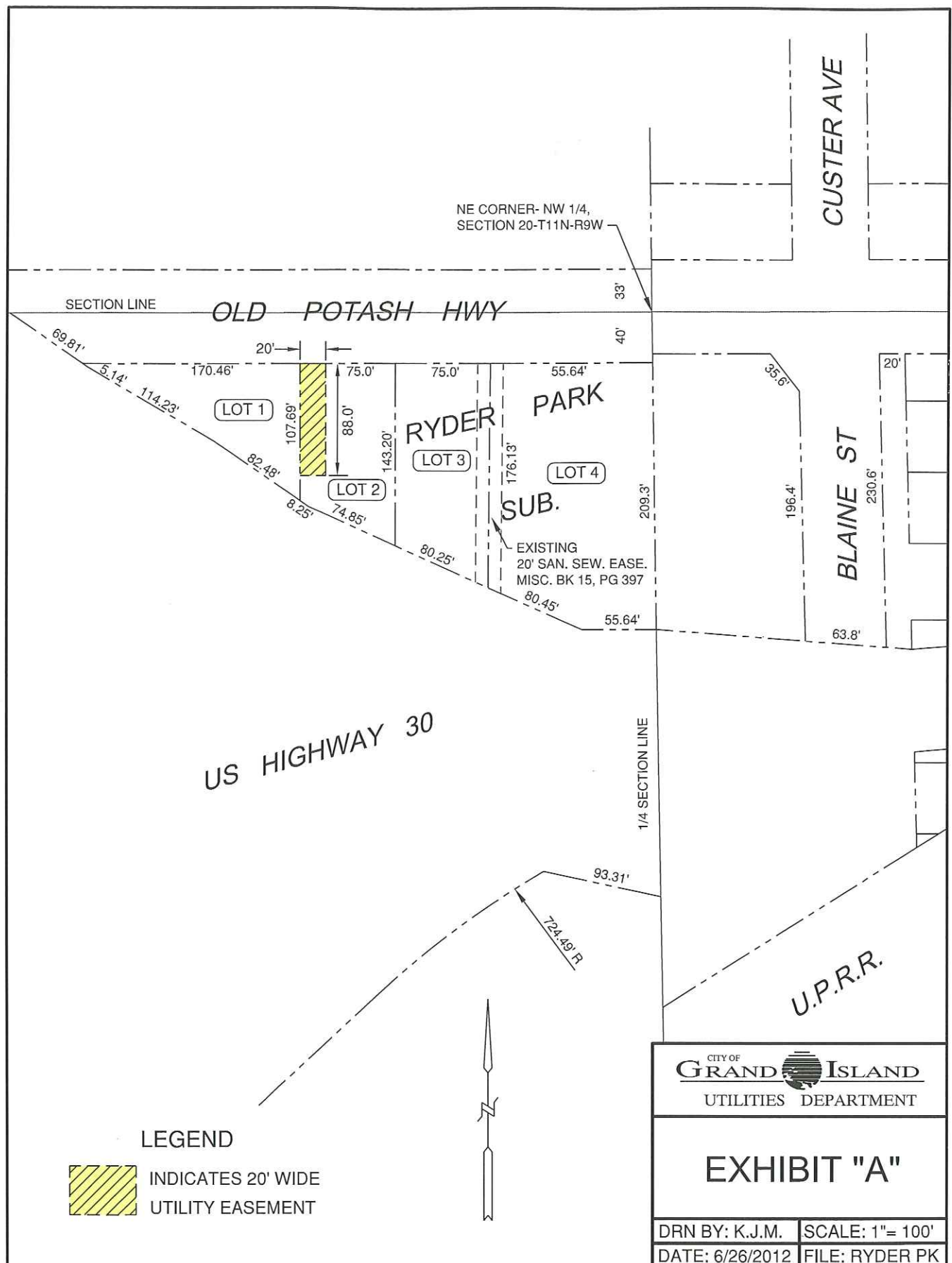
Adopted by the City Council of the City of Grand Island, Nebraska, July 10, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 6, 2012	☐ City Attorney





City of Grand Island

Tuesday, July 10, 2012

Council Session

Item G3

**#2012-173 - Approving Acquisition of Utility Easement - 2103
Pioneer Blvd. - James Crisel**

This item relates to the aforementioned Public Hearing item E-2.

Staff Contact: Tim Luchsinger, Utilities Director

RESOLUTION 2012-173

WHEREAS, a public utility easement is required by the City of Grand Island, from James F. Crisel, to survey, construct, inspect, maintain, repair, replace, relocate, extend, remove, and operate thereon, public utilities and appurtenances, including lines and transformers; and;

WHEREAS, a public hearing was held on July 10, 2012, for the purpose of discussing the proposed acquisition of an easement twenty feet in width, the centerline of which is located in the City of Grand Island, Hall County, Nebraska; and more particularly described as follows:

The southerly twenty (20.0) feet of the easterly two hundred fifty (250.0) of Lot Four (4), Block A, Park-View Subdivision.

The above-described easement and right-of-way containing 0.11 acres, more or less, as shown on the plat dated 6/18/2012, marked Exhibit "A" attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to acquire a public utility easement from James F. Crisel, on the above-described tract of land.

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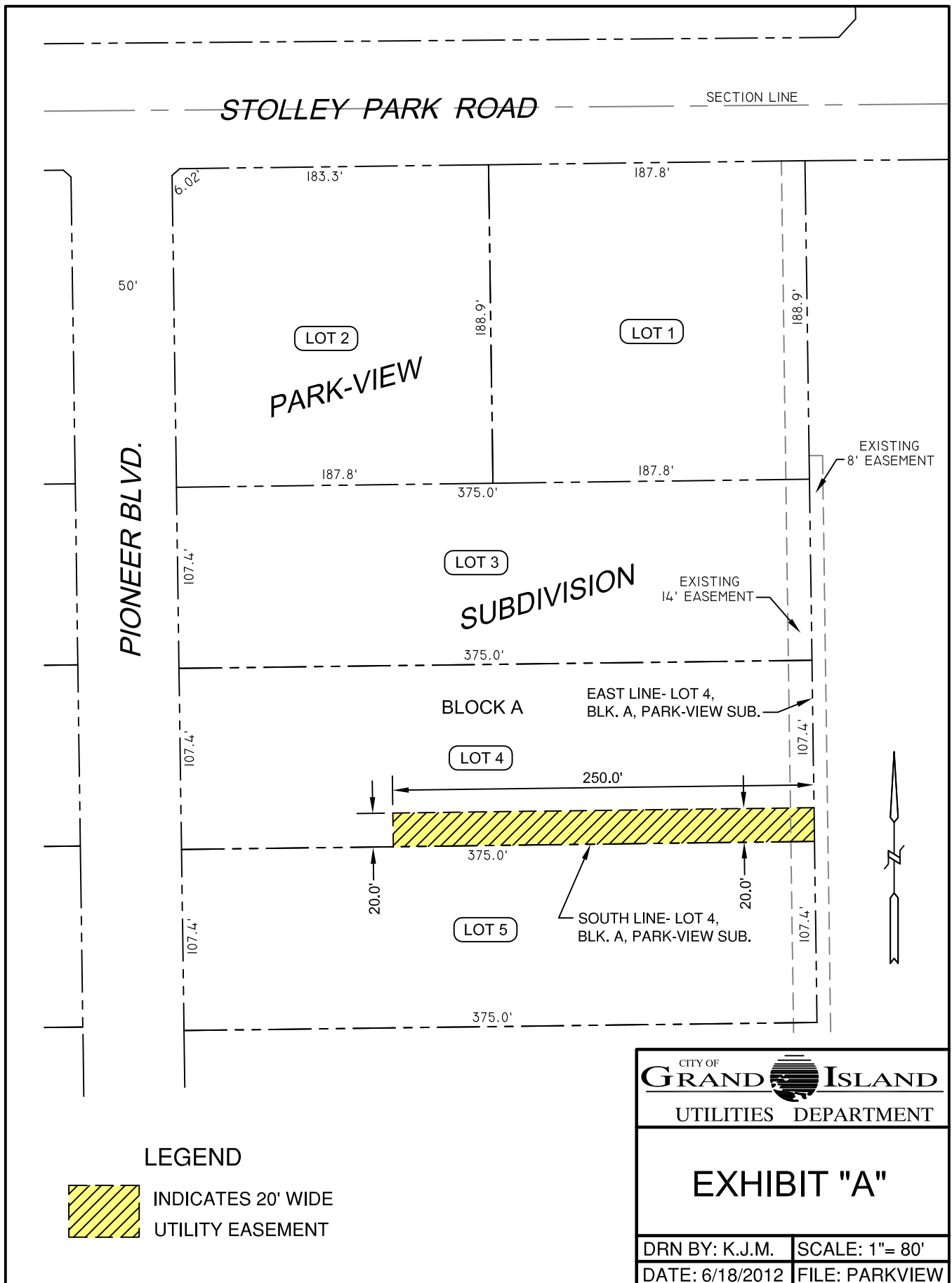
Adopted by the City Council of the City of Grand Island, Nebraska, July 10, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 6, 2012	☐ City Attorney





City of Grand Island

Tuesday, July 10, 2012

Council Session

Item G4

#2012-174 - Approving Bid Award - Chimney Repairs at Platte Generation Station

Staff Contact: Tim Luchsinger, Jason Eley

Council Agenda Memo

From: Timothy G. Luchsinger, Utilities Director
Jason Eley, Assistant City Attorney

Meeting Date: July 10, 2012

Subject: Chimney Repairs 2012

Item #'s: G-4

Presenter(s): Timothy G. Luchsinger, Utilities Director

Background

Every three years the chimney at the Platte Generating Station is inspected. The last inspection conducted in April of 2010, revealed that 90% of the construction joints in the concrete column were leaking atmospheric water into the interior shell, and the access doors were in poor condition. Continued leaking will corrode the reinforcing steel in the concrete column and cause premature failure. Plant engineering staff drafted specifications to have the joints repaired and three of the access doors replaced.

Discussion

The specifications for the Chimney Repairs were advertised and issued for bid in accordance with the City Purchasing Code. Bids were publicly opened on June 26, 2012. Specifications were sent to five potential bidders and responses were received as listed below. The engineer's estimate for this project was \$120,000.00.

Bidder	Bid Price
NAES Power Contractors, Cranberry Township, PA	\$ 59,994.00
Structural Preservation Systems, LLC, Wallingford, CT	\$ 72,350.00
Gerard Chimney Company, St. Louis, MO	\$ 72,500.00
R&P Industrial Chimney Co., Inc., Nicholasville, KY	\$ 82,728.00

The bids were reviewed by utility engineering staff for compliance with the City's detailed specifications. The bid from NAES Power Contractors had noted exceptions clarifying plant utility service, sealant colors and visibility of sealing materials. The exceptions are acceptable to engineering staff; the bid is compliant with specifications and less than the engineer's estimate.

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 award the contract for Chimney Repairs - 2012, to NAES Power Contractors of Cranberry Township, PA, in the amount of \$59,994.00.

Sample Motion

Move to approve the bid from NAES Power Contractors in the amount of \$59,994.00 for Chimney Repairs - 2012.



Jason Eley, Purchasing Agent

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Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: June 26, 2012 at 2:00 p.m.
FOR: Chimney Repair 2012 (Re-Bid)
DEPARTMENT: Utilities
ESTIMATE: \$120,000.00
FUND/ACCOUNT: 520
PUBLICATION DATE: June 9, 2012
NO. POTENTIAL BIDDERS: 5

SUMMARY

Bidder:	<u>Structural Preservation Systems LLC</u> Wallingford, CT	<u>R & P Industrial Chimney Co.</u> Nicholasville, KY
Bid Security:	Fidelity & Deposit Co.	Merchants Bonding Co.
Exceptions:	None	Noted
Bid Price:		
Material:	\$20,000.00	\$16,066.00
Labor:	\$50,950.00	\$55,603.00
Equipment:	-----	\$10,013.00
Sales Tax:	<u>\$ 1,400.00</u>	<u>\$ 1,046.00</u>
Total Bid:	\$72,350.00	\$82,728.00

Bidder:	<u>Gerard Chimney Company</u> St. Louis, MO	<u>NAES Power Contractors</u> Cranberry Township, PA
Bid Security:	Fidelity & Deposit Co.	Western Surety Co.
Exceptions:	None	Noted
Bid Price:		
Material:	\$25,750.00	\$19,654.00
Labor:	\$46,000.00	\$39,596.00
Sales Tax:	<u>\$ 750.00</u>	<u>\$ 744.00</u>
Total Bid:	\$72,500.00	\$59,994.00

cc: Tim Luchsinger, Utilities Director
Jason Eley, Purchasing Agent
Mary Lou Brown, City Administrator
Karen Nagel, Utilities Secretary

Robert Smith, Assist. Utilities Director
Pat Gericke, Utilities Admin. Assist.
Lynn Mayhew, Assist. Utilities Director

P1564

RESOLUTION 2012-174

WHEREAS, the City of Grand Island invited sealed bids for Chimney Repair at Platte Generating Station, according to plans and specifications on file with the Utilities Department; and

WHEREAS, on June 26, 2012, bids were received, opened and reviewed; and

WHEREAS, NAES Power Contractors of Cranberry Township, PA, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$ 59,994.00; and

WHEREAS, the bid of NAES Power Contractors is less than the estimate for the Chimney Repair at Platte Generating Station.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of NAES Power Contractors, in the amount of \$59,994.00, for Chimney at Platte Generating Station is hereby approved as the lowest responsible bid.

- - -

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

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 6, 2012	☐ City Attorney



City of Grand Island

Tuesday, July 10, 2012

Council Session

Item G5

#2012-175 - Approving Bid Award - Fire Protection Upgrade at Platte Generating Station

Staff Contact: Tim Luchsinger, Jason Eley

Council Agenda Memo

From: Timothy G. Luchsinger, Utilities Director
Jason Eley, Assistant City Attorney

Meeting Date: July 10, 2012

Subject: Platte Generating Station Fire Protection Upgrade

Item #'s: G-5

Presenter(s): Timothy G. Luchsinger, Utilities Director

Background

In a continuing effort to update the Platte Generating Station fire systems and maintain compliance with fire codes and FM Global, the current fire systems involving the track hopper and tripper floor areas are being replaced. Both fire systems are original to the plant.

The track hopper fire system (which serves the bottom half of conveyor #1) will be moved from its current bunker location to a heated shed above ground to avoid the need for heat trace and to give plant personnel easier accessibility to the valves. It will be tied into the existing notifier control panel and will reuse existing sprinklers and heat detectors.

The tripper floor fire system (which serves the top half of conveyor #4, conveyor #5 and dust collector #2) will be replaced at its current location. It will be tied into the existing notifier control panel and will reuse existing sprinklers and heat detectors.

Discussion

The specifications for the Platte Generating Station Fire Protection Upgrade were advertised and issued for bid in accordance with the City purchasing code. Bids were publicly opened on June 28, 2012. Specifications were sent to eight potential bidders and responses were received as listed below. The engineer's estimate for this project was \$70,000.

Bidder	Bid Price
Nebraska Fire Sprinkler Corporation	\$ 68,900.00

The bid was reviewed by Utility engineering staff. It is compliant with specifications and less than the engineer's estimate.

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 award the Contract for Platte Generating Fire Protection Upgrade to Nebraska Fire Sprinkler Corporation of Alda, Nebraska, in the amount of \$68,900.00.

Sample Motion

Move to approve the bid of \$68,900.00 from Nebraska Fire Sprinkler Corporation for the Platte Generating Station Fire Protection Upgrade.



Jason Eley, Purchasing Agent

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BID OPENING

BID OPENING DATE: June 28, 2012 at 2:15 p.m.
FOR: Fire Protection Upgrade - PGS
DEPARTMENT: Utilities
ESTIMATE: \$70,000.00
FUND/ACCOUNT: 520
PUBLICATION DATE: June 20, 2012
NO. POTENTIAL BIDDERS: 8

SUMMARY

Bidder: Nebraska Fire Sprinkler
Alda, NE
Bid Security: Universal Surety
Exceptions: None

Bid Price:
Material: \$32,827.00
Labor: \$34,267.00
Sales Tax: \$ 1,806.00
Total Bid: \$68,900.00

cc: Tim Luchsinger, Utilities Director
Jason Eley, Purchasing Agent
Mary Lou Brown, City Administrator

Bob Smith, Assist. Utilities Director
Pat Gericke, Utilities Admin. Assist.
Ryan Schmitz, Utility Production Eng.

P1567

RESOLUTION 2012-175

WHEREAS, the City of Grand Island invited sealed bids for Fire Protection Upgrade at Platte Generating Station, according to plans and specifications on file with the Utilities Department; and

WHEREAS, on June 28, 2012, bids were received, opened and reviewed; and

WHEREAS, Nebraska Fire Sprinkler of Alda, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$68,900.00; and

WHEREAS, the bid of Nebraska Fire Sprinkler, is less than the estimate for the Fire Protection Upgrade at Platte Generating Station.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Nebraska Fire Sprinkler, in the amount of 68,900.00, for Fire Protection Upgrade at Platte Generating Station, is hereby approved as the lowest responsible bid.

- - -

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

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 6, 2012	☐ City Attorney



City of Grand Island

Tuesday, July 10, 2012

Council Session

Item G6

**#2012-176 - Approving Change Order #1 - Uranium Removal
Water Treatment Plant Equipment Installation & Pump
Modifications - Judds Brothers**

Staff Contact: Tim Luchsinger, Jason Eley

Council Agenda Memo

From: Timothy G. Luchsinger, Utilities Director
Jason Eley, Assistant City Attorney

Meeting Date: July 10, 2012

Subject: Uranium Removal Water Treatment Plant –
Equipment Installation Change Order #1
Judds Brothers Construction

Item #'s: G-6

Presenter(s): Timothy G. Luchsinger, Utilities Director

Background

The City's municipal water system is supplied primarily from its Platte River Well Field. This well field is comprised of 21 wells and a pumping station. Testing for State regulatory requirements indicated composite uranium levels to be approaching the Maximum Containment Level (MCL) established by the EPA. Uranium is not an acute concern but rather is a chronic concern over a lifetime of exposure, and sampling and testing of the Grand Island water system thus far show full compliance with the EPA regulation. Testing of individual wells for uranium has indicated most wells exceed this MCL. To allow use of these wells during high water system demand periods, additional piping was installed in the past year for blending with lower uranium concentration wells.

Recent testing of uranium concentrations in the wells indicated a trend towards increasing levels, reducing the effectiveness of well blending to reduce overall levels, therefore, based on Department recommendations, the Utilities Department was authorized by Council on February 22, 2011, to proceed with the procurement and installation of the large scale pilot uranium removal system. Based on the multiple phase structure of the uranium engineering services RFP, HDR, the City's consultant on this project, was asked to provide a proposal for bids for an adsorptive media pilot plant. On June 28, 2011, Council awarded the contract for the Uranium Removal System – Equipment Procurement to Water Remediation Technology.

On August 23, 2011, Council approved the proposal of HDR Engineering, Inc., of Lincoln, Nebraska, for Uranium Removal Water Plant – Task Order No. 2. This task order authorized the detailed engineering services which included preparation of specifications for bidding of a new building and foundations, underground piping, well

modifications, and installation of the uranium removal equipment. As part of these engineering services, HDR developed the specifications for the installation of equipment and well upgrades.

Discussion

The contract for the Uranium Removal Water Treatment Plant – Equipment Installation and Pump Modifications was awarded by Council on February 14, 2012, to Judds Brothers Construction in the amount of \$309,250.00.

During installation of equipment provided by Water Remediation Technology, additional materials and re-work of supplied piping were needed to finish the assembly. The amounts include: Labor \$540.90; Equipment Use \$80.00; Material \$803.06; Subcontractor \$765.00; and Overhead \$218.90. A credit of \$840.00 is included for chlorination of the system by the City, which was to have been performed by Judds. The total Change Order amount is \$1,567.86, of which \$2,407.86 will be back charged to WRT for reimbursement, for a final contract amount to \$310,817.86.

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 Council approve Change Order #1 to Judds Brothers Construction Company for Uranium Removal Water Treatment Plant – Equipment Installation and Pump Modifications for an addition of \$1,567.86, for a total contract amount of \$310,817.86.

Sample Motion

Move to approve Change Order #1 to the contract for Uranium Removal Water Treatment Plant – Equipment Installation and Pump Modifications, to Judds Brothers Construction, of Lincoln, Nebraska, in an addition of \$1,567.86, for a final contract amount of \$310,817.86.



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TO: Judds Brothers Construction Co.
P.O. Box 5344
Lincoln, NE 68507

PROJECT: Uranium Removal Water Treatment Plant - Equipment Installation

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

1 Additional payment per the attached spreadsheet.

ADDITION \$1,567.86

The original Contract Sum	<u>\$309,250.00</u>
Previous Change Order Amounts	<u>\$ -</u>
The Contract Sum is increased by this Change Order	<u>\$ 1,567.86</u>
The Contract Sum is decreased by this Change Order	<u>\$</u>
The total modified Contract Sum to date	<u>\$ 310,817.86</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: JUDDS BROTHERS CONSTRUCTION CO.

By: _____

Date _____

Uranium Removal Water Treatment Plant - Equipment Installation

Comments: Additional materials and reword of WRT supplied piping

Contract:

\$309,250.00

<u>Change Order Request</u>	<u>Description</u>	<u>Amount</u>
001	Additional materials and rework of supplied piping	
002	Labor	\$ 540.90
003	Equipment Use	\$ 80.00
004	Material	\$ 803.06
005	Subcontractor	\$ 765.00
006	Overhead	\$ 218.90
007	Credit-GI Utilities chlorination	\$ (840.00)
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012	The specifications for the Uranium Removal Water Treatment Plant – Equipment Installation and Pump Modifications was approved by Council on February 14, 2012 to Judds Brothers for \$309,250.00. During installation of equipment provided by Water Remediation Technology additional materials, and rework of supplied piping were needed finish the assembly. The amounts include Labor \$540.90, Equipment Use \$80.00, Material \$803.06, Subcontractor \$765.00, and Overhead \$218.90. A credit of (\$840.00) is included for Grand Island Utilities for the Chlorination of the system. Total Change order amount \$1,567.86. Since Water Remediation Technology supplied the equipment, Grand Island Utilities will invoice Water Remediation Technologies \$2,407.86 for reimbursement. This change brings the final contract amount to \$310,817.86.	
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	Total	\$ 1,567.86

RESOLUTION 2012-176

WHEREAS, Judds Brothers Construction of Lincoln, Nebraska, was awarded the contract for the Uranium Removal Water Treatment Plant – Equipment Installation and Pump Modifications, at the February 14, 2012 City Council meeting; and

WHEREAS, during installation of equipment, additional materials and re-work of supplied piping were needed to finish the assembly; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Change Order #1 with Judds Brothers Construction Company of Lincoln, Nebraska, resulting in an additional cost of \$1,567.86, for a final contract amount of \$310,817.86, is hereby approved.

- - -

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

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 6, 2012	☐ City Attorney



City of Grand Island

Tuesday, July 10, 2012

Council Session

Item G7

**#2012-177 - Approving Change Order #1 - Uranium Removal
System Equipment at the Uranium Removal Water Treatment
Plant - Water Remediation Technologies**

Staff Contact: Tim Luchsinger, Jason Eley

Council Agenda Memo

From: Timothy G. Luchsinger, Utilities Director
Jason Eley, Assistant City Attorney

Meeting Date: July 10, 2012

Subject: Uranium Removal Water Treatment Plant –
Equipment Procurement Change Order
Water Remediation Technology

Item #'s: G-7

Presenter(s): Timothy G. Luchsinger, Utilities Director

Background

The City's municipal water system is supplied primarily from its Platte River Well Field. This well field is comprised of 21 wells and a pumping station. Testing for State regulatory requirements indicated composite uranium levels to be approaching the Maximum Containment Level (MCL) established by the EPA. Uranium is not an acute concern but rather is a chronic concern over a lifetime of exposure, and sampling and testing of the Grand Island water system thus far show full compliance with the EPA regulation. Testing of individual wells for uranium has indicated most wells exceed this MCL. To allow use of these wells during high water system demand periods, additional piping was installed in the past year for blending with lower uranium concentration wells.

Recent testing of uranium concentrations in the wells indicated a trend towards increasing levels, reducing the effectiveness of well blending to reduce overall levels, therefore, based on Department recommendations, the Utilities Department was authorized by Council on February 22, 2011, to proceed with the procurement and installation of the large scale pilot uranium removal system. Based on the multiple phase structure of the uranium engineering services RFP, HDR, the City's consultant on this project, was asked to provide specifications to issue for bids for an adsorptive media pilot plant.

Discussion

The contract for the Uranium Removal Water Treatment Plant – Equipment Procurement was approved by Council on July 26, 2011, to Water Remediation Technology for of \$1,958,100.00 with an annual payment of \$786,450.00 for ten years. During the design of the well pump upgrades, it was determined that the flow signal from the Water

Remediation Technology would be used to control the flow through the system. This required the addition of a signal splitter to communicate the flow back to the City of Grand Island Water SCADA system. The cost for this change was \$1,440.00.

During installation of equipment by Judd's Brothers, additional materials, and re-work of supplied piping were needed to finish the assembly. The amounts include: Labor \$540.90; Equipment Use \$80.00; Material \$803.06; Welding Subcontractor \$765.00; and Overhead \$218.90. These changes to City of Grand Island contract with Judds Brothers are at the expense of WRT for the amount of \$2,407.86. Also to complete the installation, the Department had to provide new sensing lines for two valves for a cost of \$348.00, also at the expense of WRT. These changes will have a net decrease to the contract with WRT of \$1,315.86, or a final contract amount to \$1,956,784.14.

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 Council approve the changes to the contract for Uranium Removal Water Treatment Plant – Equipment Procurement of a net deduct of \$1,315.86, for a total contract amount of \$1,956,784.14.

Sample Motion

Move to approve Change Order #1 to the contract for Uranium Removal Water Treatment Plant – Equipment Procurement to Water Remediation Technology of a net deduct of \$1,315.86, for a final contract amount of \$1,956,784.14.



*Working Together for a
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TO: Water Remediation Technology, LLC
9500 W. 49th Avenue, Suite D100
Wheat Ridge, CO 80033
303-424-5355

PROJECT: Uranium Removal Water Treatment Plant - Equipment Procurement

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

- 1 Additional payment per the attached spreadsheet.

DEDUCTION -\$1,315.86

The original Contract Sum	<u>\$1,958,100.00</u>
Previous Change Order Amounts	<u>\$ -</u>
The Contract Sum is increased by this Change Order	<u> </u>
The Contract Sum is decreased by this Change Order	<u>\$ (1,315.86)</u>
The total modified Contract Sum to date	<u>\$ 1,956,784.14</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: WATER REMEDIATION TECHNOLOGY, LLC.

By: _____

Date _____

Uranium Removal Water Treatment Plant - Equipment Procurement

Comments: Addition of flow signal and Decrease of Judds Brothers reworking piping.

Contract:

\$1,958,100.00

<u>Change Order Request</u>	<u>Description</u>	<u>Amount</u>
001	Flow Signal Splitter	\$ 1,440.00
002	Judd's Brothers rework of supplied piping	\$ (2,407.86)
003	City of Grand Island to provide new sensing lines	\$ (348.00)
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009	During the design of the well pump upgrades, it was determined that the flow signal from WRT would be used to control the flow through the system. This required the addition of a signal splitter to communicate the flow back to the City of Grand Island Water SCADA system for an additional cost of \$1,440.00.	
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013	During installation of equipment by Judd's Brothers, additional materials, and rework of supplied piping were needed finish the assembly. The amounts include Labor \$540.90, Equipment Use \$80.00, Material \$803.06, Welding Subcontractor \$765.00, and Overhead \$218.90. These changes are a change to City of Grand Island contract with Judds Brothers to be passed onto Water Remediation Technology. Total Change order amount \$2,407.86. Also during installation, City of Grand Island had to provide new sensing lines for two valves for a cost of \$348.00. These changes will have a net decrease to the contract with Water Remediation Technology of \$1,315.86. This brings the final contract amount to \$1,956,784.14.	
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	Total	\$ (1,315.86)

RESOLUTION 2012-177

WHEREAS, Water Remediation Technology of Wheat Ridge, Colorado, was awarded the contract for the Uranium Removal Water Treatment Plant – Uranium Removal System Equipment, at the July 26, 2011 City Council meeting; and

WHEREAS, an additional flow signal splitter was provided by Water Remediation Technology at a cost of \$1,440; and

WHEREAS, during installation of equipment, additional materials and re-work of supplied piping were needed by the City in the amounts of: Labor \$540.90; Equipment Use \$80.00; Material \$803.06; Welding Subcontractor \$765.00; Overhead \$218.90; new line sensing lines for two valves \$348.00; to finish the assembly; and

WHEREAS, these changes result in a net decrease in the final contract of \$1,315.86.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Change Order #1 with Water Remediation Technology of Wheat Ridge, Colorado, resulting in a decreased cost of \$1,315.86, for a final contract amount of \$1,956,784.14, is hereby approved.

- - -

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

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 6, 2012	☐ City Attorney



City of Grand Island

Tuesday, July 10, 2012

Council Session

Item G8

#2012-178 - Approving Request for Relaxation of Design Standards for Minimum Shoulder Width on Streets without Curb and Gutter for the Grand Island Resurfacing - Various Locations Project

Staff Contact: John Collins, Public Works Director

Council Agenda Memo

From: Scott Griepenstroh, Project Manager

Meeting: July 10, 2012

Subject: Approving Request for Relaxation of Design Standards for Minimum Shoulder Width on Streets without Curb and Gutter for the Grand Island Resurfacing - Various Locations Project

Item #'s: G-8

Presenter(s): John Collins, Public Works Director

Background

All agreements must be approved by the City Council.

The Federal-aid Surface Transportation Program (STP) provides flexible funding that may be used by Local Public Agencies for projects on any Federal-aid roadway route. Typical STP funded improvements include: upgrading an existing road to a full urban section, roadway widening, roadway reconstruction, resurfacing, ADA/sidewalk improvements, and bridge projects. Federal funds are used to finance up to 80% of eligible project costs with a minimum 20% match from the LPA.

The City of Grand Island received approval to utilize STP funds for the Various Locations in Grand Island Resurfacing project. This proposed project consists of removing the existing surface by cold milling and overlaying asphalt in the following locations.

- Blaine Street – Garland Street to Stolley Park Road
- Blaine Street – Stolley Park Road to the Beltline Trail
- First Street – Walnut Street to Sycamore Street
- North Road - 13th Street to State Street
- Independence Avenue – Capital Avenue to Nebraska Highway 2
- Broadwell Avenue - Anna Street to Second Street
- Broadwell Avenue – Second Street to State Street

Sidewalk ramps at all intersections will be reconstructed to current Americans with Disabilities (ADA) standards. This project is coordinated with and supplements the Grand Island Streets Division Pavement Preservation Plan. This project will relieve the City of funding these improvements solely with Capital Improvement Program funds.

Discussion

On streets that do not have curb and gutter, the minimum design standards according to the Rules and Regulations of the Board of Public Roads Classifications and Standards, Title 428 of the Nebraska Administrative Code, require construction of 6' wide shoulders on Collector and Local roads, and 8' wide shoulders on Other Arterials.

The sections of Independence Road, South Blaine Street and North Road do not currently have sufficient right of way to construct wider shoulders due to ditch and utility conflicts; therefore the City of Grand Island is seeking a relaxation of the design standard. If the City were to purchase the necessary right of way to accommodate wider shoulders there would be a significant delay in the project, as well as increased cost due to relocation of utilities.

The request for the relaxation of the design standard will be submitted by the Public Works Street Superintendent. As per Chapter 2, Section 004 Relaxation of Standards, of the Rules and Regulations of the Board of Public Roads Classifications and Standards, approval of the request is required by the City Council.

Olsson Associates is currently preparing design plans and seeking environmental clearance. Acquisition of right-of-way to reconstruct sidewalk ramps to current ADA standards is anticipated to occur during the next six months. Advertising and awarding of the Construction bid is anticipated to occur in summer of 2013.

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 a resolution authorizing the request to seek the relaxation of design standards.

Sample Motion

Move to approve the resolution.

July 10, 2012

Board of Public Roads Classifications and Standards
LeMoyne Schulz, Board Secretary
P.O. Box 94759
Lincoln, NE 68509

RE: Grand Island Resurfacing – Various Locations
URB-5409(2) CN 42706

Dear Secretary of the Board:

The City of Grand Island is planning to resurface five (5) federal-aid routes within the city limits utilizing federal funds (see attached location map). All five locations have existing asphalt surfacing. The resurfacing activities associated with this project include typical maintenance asphalt mill and overlay. Below is a list of the design ADT, state roadway classification, design speed and resurfacing recommendations.

GRAND ISLAND - MULTILLOCATION RESURFACING PROJECT						
GRAND ISLAND, NEBRASKA						
URB-5409(2) CN 42706						
STREET	LOCATION	2021 ADT	State Class.	Design Speed	Mill	Overlay
Blaine Street	Garland - Stolley	4,184	Collector	35	1"	4"
Blaine Street	Stolley - Beltline	7,223	Other Arterial	25	2"	3"
North Road	13th - State	6,794	Other Arterial	40	1"	4"
First Street	Walnut-Sycamore	8,249	Major Arterial	25	2"	3"
Broadwell Avenue	Anna - 2nd	8,623	Other Arterial	30	2"	3"
Broadwell Avenue	2nd - State	12,269	Other Arterial	30	2"	3"
Independence Avenue	Capital - Hwy 2	2,244	Collector	25	2"	2"

Independence Avenue, North Road and the southern portion of Blaine Street (Garland Street to Stolley Park Road) have non-curbed roadway sections. As the community of Grand Island has developed over the years around these three locations of the project, the roadside typical section has been modified. The roadside typical section varies throughout these three locations. Several of the adjacent residential property owners have blended their lots to the edge of the existing road. The roadside ditches have been filled in and are non-existent at several locations. At select locations along these three roadway sections the 'old county road cross section' has

remained. At these select locations the existing shoulder width varies from two (2) feet to four (4) feet. These existing shoulder widths for non-curbed roadway sections do not meet the Nebraska Minimum Design Standards – Municipal Streets for other arterial and collector roadways. The minimum design standard for shoulder width on non-curbed municipal street roadways sections is six (6) feet for a Collector roadway and eight (8) feet for Other Arterial.

The City of Grand Island is requesting the Board of Commissioners to approve a shoulder width relaxation of standards for Municipal Streets – Other Arterial and Collector roadways for maintenance resurfacing activities. The need for the relaxation of the design standards is based on the fact that the proposed project is a maintenance project. Grading the existing shoulders and roadside ditches is outside the scope of this project and would require additional right-of-way, which is also not part of the project scope. This is a Federal Aid funded project and changing the scope would have adverse effects on the timeline and funding.

The Grand Island City Council approved the relaxation of standards on July 10, 2012. The City of Grand Island is formally submitting a request for relaxation of standards to the Board of Public Roads Classifications and Standards. Please notify me once a hearing date has been set.

Sincerely,

Shannon Rose Callahan
City Street Superintendent
License #S-1485

City Hall • 100 E First Street • Box 1968 • Grand Island, Nebraska 68802-1968
(308) 385-5444 • Emergency: (308) 385-5000 • www.grand-island.com

RESOLUTION 2012-178

WHEREAS, the City of Grand Island received approval to utilize Federal-aid Surface Transportation Program (STP) funds for the Various Locations in Grand Island Resurfacing project for the year 2013; and

WHEREAS, the minimum design standards according to the Rules and Regulations of the Board of Public Roads Classifications and Standards, Title 428 of the Nebraska Administrative Code, require construction of 6' wide shoulders on Collector and Local roads, and 8' wide shoulders on other arterials.; and

WHEREAS, the Independence Road, South Blaine Street and North Road sections do not have sufficient right of way to construct wider shoulders due to ditch and utility conflicts; and

WHEREAS, the City of Grand Island is seeking a relaxation of the design standards.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the request to seek the relaxation of design standards for such project is hereby approved.

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

- - -

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

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 6, 2012	☐ City Attorney



City of Grand Island

Tuesday, July 10, 2012

Council Session

Item G9

#2012-179 - Approving Crossing Surface Installation Agreement with Burlington Northern Santa Fe (BNSF) Railway Company for Improvements at the Broadwell Avenue/BNSF Railroad Crossing

Staff Contact: John Collins, Public Works Director

Council Agenda Memo

From: Scott Griepenstroh, PW Project Manager

Meeting: July 10, 2012

Subject: Approving Crossing Surface Installation Agreement with Burlington Northern Santa Fe (BNSF) Railway Company for improvements at the Broadwell Avenue/BNSF Railroad Crossing

Item #'s: G-9

Presenter(s): John Collins, Public Works Director

Background

On October 11, 2011, the Grand Island City Council approved the Bid Award for the Broadwell Avenue Shoulder Improvement – Capital Avenue to the Veteran's Athletic Fields project with J.I.L. Asphalt Paving Company of Grand Island. This project consisted of placing 6' wide asphalt shoulders on the east and west sides of Broadwell Avenue from the intersection of Capital Avenue north to the Veteran's Athletic Field Complex entrance. This work was completed November 23, 2011.

No shoulder improvements were performed at the Burlington Northern Santa Fe (BNSF) Railroad Crossing or on BNSF Right-of-Way.

Discussion

The Public Works Department requested BNSF Railway officials coordinate constructing additional width to the concrete crossing panels and placing asphalt shoulders on BNSF Right-of-Way to occur in conjunction with their work planned as part of the BNSF Railway Double Track project. The costs for the surfaced shoulder widening are estimated at \$31,572.00 and are to be paid by the City of Grand Island.

Shoulder improvements at the BNSF Railroad Crossing or on BNSF Right-of-Way shall be accomplished and paid as per the Crossing Surface Installation Agreement between the City of Grand Island and BNSF Railway Company. Work at the Broadwell Avenue crossing for the Double Track project and the shoulder improvements are scheduled to occur in September, 2012.

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 resolution authorizing the Mayor to sign the Crossing Surface Installation Agreement between BNSF Railway Company and the City of Grand Island.

Sample Motion

Move to approve the resolution.

CROSSING SURFACE INSTALLATION AGREEMENT

BNSF File No.: BF10002561
Mile Post 97.97
Line Segment 4
U.S. DOT Number 083071A
Ravenna Subdivision

This Crossing Surface Installation Agreement (hereinafter called, this “Agreement”) is entered into effective as of 02/17/2012 by and between the City of Grand Island (hereinafter called, “Agency”) and BNSF RAILWAY COMPANY (hereinafter called, the “Company”).

WHEREAS, Company operates a freight transportation system by rail with operations throughout the United States and Canada; and

WHEREAS, Agency and Company desire to replace the existing crossing surface at Broadwell with a new concrete crossing surface;

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Company Work.** The Company will install a widened concrete crossing surface for a width of 8 feet on each side of the traveled roadway from the edge of the pavement on the north side of the tracks to the edge of the pavement on the south side of the tracks. The new crossing surface will adequately cover all vehicular driving lanes at Broadwell. The Company will perform all necessary track upgrades to accommodate the new crossing surface.

2. **Payment; Invoicing.** Upon execution of this Agreement by both parties hereto, Company will send Agency an invoice detailing the total amount owed by Agency for the new crossing surface. Company shall send to Agency a final invoice upon completion and **Agency shall pay the final invoice within 30 days of receipt**

Agency's **ESTIMATED** total cost for the new crossing surface is Thirty One Thousand Five Hundred Seventy Two and No/100 Dollars (\$31,572.00).

3. **Maintenance of the Crossing Surface.** After installation of the new crossing surface is completed, the Company will maintain, at its own cost and expense, the crossing surface, against normal wear and tear, in a satisfactory manner for the expected life of the crossing surface. Notwithstanding the preceding sentence, the Company shall be entitled to receive any contribution toward the cost of such maintenance made available by reason of any existing or future laws, ordinances, regulations, orders, grants, or other means or sources.

4. **Vehicular Traffic during Installation.** The Agency shall provide, at its own cost and expense, all necessary barricades, lights or traffic control devices for detouring vehicular traffic at the Broadwell crossing during installation of the new crossing surface.

5. **Drainage.** The Agency agrees to allow the Company to drain water from the Broadwell crossing area into existing Agency storm sewers, if such storm sewers are available. Drain pipes and filter fabric necessary for such drainage will be furnished and installed by the Company.

6. **Roadway Surfacing Work.** The Agency agrees to pay for enough asphalt to cover the distance between the existing roadway surface at Broadwell and the new crossing surface on both sides of the track as well as the area between the tracks. The estimate includes the estimated amount of asphalt required.

7. **Term.** This Agreement begins on the effective date set forth above and remains in effect until completion of all work contemplated in this Agreement and Agency's payment of the amounts set forth in Section 2 above.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by its duly qualified and authorized officials as of the day and year first written above.

COMPANY:

BNSF RAILWAY COMPANY:

By: _____

Printed Name: _____

Title: _____

AGENCY:

THE CITY OF GRAND ISLAND, NEBRASKA

By: _____

Printed Name: _____

Title: _____

RESOLUTION 2012-179

WHEREAS, on November 23, 2011 the City of Grand Island completed the Broadwell Avenue Shoulder Improvement - Capital Avenue to the Veteran's Athletic Fields project with J.I.L. Asphalt Paving Company of Grand Island, Nebraska; and

WHEREAS, this project consisted of placing 6' wide asphalt shoulders on the east and west side of Broadwell Avenue from the intersection of Capital Avenue north to the Veteran's Athletic Field Complex entrance; and

WHEREAS, no shoulder improvements were performed at the Burlington Northern Santa Fe (BNSF) railroad crossing or on the BNSF right of way; and

WHEREAS, the Public Works Department requested BNSF officials coordinate constructing additional width to the concrete crossing panels and placing asphaltic concrete shoulders on BNSF right of way to occur in conjunction with their work planned as part of the BNSF railway double track project; and

WHEREAS, the costs for the surfaced shoulder widening are to be paid by the City of Grand Island, which is estimated at \$31,572.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Crossing Surface Installation Agreement between BNSF Railway Company and the City of Grand Island 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.

- - -

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

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 6, 2012	☐ City Attorney



City of Grand Island

Tuesday, July 10, 2012

Council Session

Item G10

#2012-180 - Approving Increase to the City's Share of the US Highway 30 Improvements – NDOR Project No. STP-NH 30-4(157)

Staff Contact: John Collins, Public Works Director

Council Agenda Memo

From: Terry Brown, Manager of Engineering Services

Meeting: July 10, 2012

Subject: Approving Increase to the City's Share of the US Highway 30 Improvements – NDOR Project No. STP-NH 30-4(157)

Item #'s: G-10

Presenter(s): John Collins, Public Works Director

Background

On December 6, 2011 the City Council approved the agreement between the City and Nebraska Department of Roads (NDOR) for the improvements to US Highway 30 starting 0.46 miles west of the US Highway 30 and US Highway 281 junction and extending east to the intersection of US Highway 30 and Grant Street, approximately 1.62 miles.

Improvements to this stretch of roadway will consist of the following:

- Repairing concrete pavement, curbs and bridge joints;
- Diamond grinding the concrete roadway and resurfacing shoulders and the ramps at the US Highway 30 and US Highway 281 interchange; and
- New pavement markings

The City of Grand Island will pay 50% of the preliminary engineering, construction and construction engineering total costs for the portion of the project that is within the City's corporate limits. The City's share was currently estimated to be \$423,705.00, with a total project estimate of \$847,409.00.

Discussion

The construction contract was awarded to Iowa Erosion Control, Inc. by NDOR in the amount of \$982,674.07. With project contingencies and construction engineering the City's share has increased from the estimated \$423,705.00 to \$571,423.60. The NDOR invoice for this project has been attached for review.

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 increase of the City's share for the US Highway 30 Improvements with the Nebraska Department of Roads, for a total amount of \$571,423.60.

Sample Motion

Move to approve the resolution.

INVOICE SUPPORT DETAIL

Responsible Party: City of Grand Island
Project No. STP-NH 30-4(157)
Control No. 42699
Agreement No. XL1202
Expenses Thru: June 18, 2012
Description: US-30 from 0.5 miles west of US-281/N-2, east to 2nd Street
Invoice: 0627545

Work Phase		Total Expenses	City Funding Percent	City Costs Share
Preliminary Engineering:				
NDOR Expenses to Date		12,570.04	50%	6,285.02
Consultant Agreement - Transystems Corp		7,528.72	50%	3,764.36
Construction:				
Iowa Erosion Control, Inc.				
Construction Contract		982,674.07		
Plus Contingencies	4%	39,306.96		
Subtotal		1,021,981.03	50%	510,990.52
Construction Engineering:				
Estimated CE	10%	98,267.41		
Estimated Audit Expense		2,500.00		
		100,767.41	50%	50,383.70
Total City Cost Share				571,423.60
Total Due this invoice				571,423.60

NOTE: NDOR expenses include labor and operating costs.

6/18/2012 7:50

Z:\Bud & Finance\Mary\Invoice Templates\[CN 42699 6-18-12.xlsx]City

RESOLUTION 2012-180

WHEREAS, the Grand Island City Council approved Resolution No. 2011-358 on December 6, 2011, which provided for the City to share in the cost of improving US Highway 30 from west of the US Highway 30 and US Highway 281 junction and extending east to the intersection of US Highway 30 and Grant Street; and

WHEREAS, such improvements shall consist of repairing concrete pavement, curbs and bridge joints; diamond grinding the concrete roadway and resurfacing shoulders and the ramps at the US Highway 30 and US Highway 281 interchange; and new pavement markings; and

WHEREAS, the City's share was originally estimated to be \$423,705.00; and

WHEREAS, the City's share has increased to \$571,423.60, after bids were opened and the NDOR awarded the bid to Iowa Erosion Control, Inc. in the amount of \$982,674.07; and

WHEREAS, the \$571,423.60 City share accounts for project contingencies and construction engineering.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City's share of \$571,423.60 for such roadway improvements is hereby approved.

- - -

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

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 6, 2012	☐ City Attorney



City of Grand Island

Tuesday, July 10, 2012

Council Session

Item J1

Approving Payment of Claims for the Period of June 27, 2012 through July 10, 2012

*The Claims for the period of June 27, 2012 through July 10, 2012 for a total amount of \$4,345,834.28.
A MOTION is in order.*

Staff Contact: Jaye Monter



City of Grand Island

Tuesday, July 10, 2012

Council Session

Item X1

Strategy Session with Respect to Collective Bargaining (IBEW Local 1597 – Wastewater, Service/Clerical, Finance, Utilities).

The City Council may hold a closed or Executive Session as permitted by Neb. Rev. Stat. Sec. 84-1410. Closed sessions may be held for, but shall not be limited to such reasons as:

- 1. Protection of the public interest.*
- 2. Needless injury to the reputation of an individual.*
- 3. Strategy sessions with respect to*
 - a. collective bargaining,*
 - b. real estate purchases,*
 - c. pending litigation, or*
 - d. imminent or threatened litigation.*
- 4. Discussion regarding deployment of security personnel or devices.*
- 5. For the Community Trust created under Sec. 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster.*

Staff Contact: Brenda Sutherland



City of Grand Island

Tuesday, July 10, 2012

Council Session

Item X2

Strategy Session with Respect to Pending Litigation

The City Council may hold a closed or Executive Session as permitted by Neb. Rev. Stat. Sec. 84-1410. Closed sessions may be held for, but shall not be limited to such reasons as:

- 1. Protection of the public interest.*
- 2. Needless injury to the reputation of an individual.*
- 3. Strategy sessions with respect to:*
 - a. collective bargaining,*
 - b. real estate purchases,*
 - c. pending litigation, or*
 - d. imminent or threatened litigation.*
- 4. Discussion regarding deployment of security personnel or devices.*
- 5. For the Community Trust created under Sec. 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster.*

Staff Contact: Robert J. Sivick, City Attorney