

CITY OF CRETE, NEBRASKA
CITY COUNCIL REGULAR MEETING
September 21, 2021

Notice of the meeting was given by posting and publishing in The Crete News, the appointed method for giving notice as shown by the Proof of Publication attached to the minutes. Advance notice of the meeting was also given to the Mayor and City Council. Pursuant to Section 84-1412(8) of the Nebraska Open Meetings Act, the City has posted a current copy of the Open Meetings Act, Laws of the State of Nebraska in the back of the Council Chambers. Additional copies are available to read. The City may consider items listed on the agenda in random order. All proceedings shown were taken while the meeting was open to the attendance of the public.

Those in attendance pledged allegiance to the flag.

1. Open Meeting

2. Roll Call

Dan
Papik: Absent

Travis
Sears: Present

Dale
Strehle: Present

Present: 2, Absent: 1.

3. Items of Business

A. Provide a recommendation to the City Council on approving sidewalk painting for the Great Pumpkin Festival.

Recommend to the City Council on approving the sidewalk painting for the Great Pumpkin Festival.

Carried with a motion by Travis Sears and a second by Dale Strehle.

Travis Sears: Aye, Dale Strehle: Aye

Aye: 2, No: 0

City Administrator Tom Ourada informed the committee that the sidewalk painting will simply be going over the previous years' pumpkins that are already there.

B. Provide a recommendation to the City Council on approving the Right-of-Way Permit request from Black Hills Energy for gas main relocation in north Crete.

Recommend to the City Council to approve the Right-of-Way Permit request from Black Hills Energy for gas main relocation in north Crete. Carried with a motion by Travis Sears and a second by Dale Strehle.

Travis Sears: Aye, Dale Strehle: Aye

Aye: 2, No: 0

City Administrator Tom Ourada informed the committee that this permit is necessary for the paving project on north Main to continue.

C. Provide a recommendation to the City Council on awarding the Linden Ave and 12th Street Asphalt Overlay Project to Constructors, Inc. in an amount not to exceed \$115,000.

Recommend to the City Council to award the Linden Ave and 12th Street Asphalt Overlay Project to Constructors, Inc. in an amount not to exceed \$115,000. Carried with a motion by Travis Sears and a second by Dale Strehle.

Travis Sears: Aye, Dale Strehle: Aye

Aye: 2, No: 0

City Administrator Tom Ourada stated that Constructor's Inc. was over the engineer's estimate, but is still the lowest bid for the project.

- D. Provide a recommendation to the City Council on awarding the railway boring project for the West Crete water and sewer extension to Horizontal Boring & Tunneling for the amount of \$244,120.

Recommend to the City Council to award the railway boring project for the West Crete water and sewer extension to Horizontal Boring & Tunneling for the amount of \$244,120. Carried with a motion by Travis Sears and a second by Dale Strehle.

Travis Sears: Aye, Dale Strehle: Aye

Aye: 2, No: 0

City Administrator Tom Ourada stated that this was also way over the engineer's estimate due to railroad requirements, but is also necessary to continue the project.

- E. Provide a recommendation to the City Council on awarding the West Crete 13th Street water and sewer project to Van Kirk for the amount of \$229,641.

Recommend to the City Council to award the West Crete 13th Street water and sewer project to Van Kirk for the amount of \$229,641. Carried with a motion by Travis Sears and a second by Dale Strehle.

Travis Sears: Aye, Dale Strehle: Aye

Aye: 2, No: 0

City Administrator Tom Ourada informed the committee that this, too, was well over the engineer's budget. However, it was over \$100,000 lower than other bids.

- F. Provide a recommendation to the City Council on adopting Resolution 2021-11: A resolution authorizing the Mayor to sign the Municipal Annual Certification of Program Compliance.

Recommend to the City Council to adopt Resolution 2021-11: A resolution authorizing the Mayor to sign the Municipal Annual Certification of Program Compliance. Carried with a motion by Travis Sears and a second by Dale Strehle.

Travis Sears: Aye, Dale Strehle: Aye

Aye: 2, No: 0

City Administrator Tom Ourada stated that this is a statutory requirement by NDOT and explained that the resolution says the money they give us is spent the way it's required to be.

- G. Provide a recommendation to the City Council on entering into an agreement with Mid-State Engineering & Testing to conduct a Geotechnical Engineering Study for a new lift station at 22nd and Ivy.

Recommend to the City Council to enter into an agreement with Mid-State Engineering & Testing to conduct a Geotechnical Engineering Study for a new lift station at 22nd and Ivy. Carried with a motion by Travis Sears and a second by Dale Strehle.

Travis Sears: Aye, Dale Strehle: Aye

Aye: 2, No: 0

City Administrator Tom Ourada explained that Gilmore does not do Geotech work, so this agreement is for Mid-State Engineering & Testing to do this geotech engineering study for the box culvert project.

H. Provide a recommendation to the City Council on enacting Ordinance 2139: An ordinance relating to the duties and responsibilities of the Director of Public Works.

Recommend to the City Council to enact Ordinance 2139: An ordinance relating to the duties and responsibilities of the Director of Public Works. Carried with a motion by Travis Sears and a second by Dale Strehle.

Travis Sears: Aye, Dale Strehle: Aye
Aye: 2, No: 0

City Administrator Tom Ourada and City Attorney Kyle Manley both explained that this ordinance is further clarifying the job description and requirements for the Public Works Director. This is intended to make it easier to find someone for the open position.

- 4. Officers' Reports
- 5. Adjournment

Mayor

(SEAL)

City Clerk-Treasurer

I, Jerry Wilcox, City Clerk for the City of Crete, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council. I hereby certify that a copy of the Open Meetings Act was posted in the back of the Council Chambers. I certify that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk. I certify that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting and that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public. I certify that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of the City Council. I certify that all news media requesting notification concerning meetings of the City Council were provided with advance notification of the time and place of said meeting and the subjects to be discussed.

City Clerk-Treasurer

(S E A L)

Application for a Permit to Occupy City of Crete Right-of-Way

(Rev. 2, 11-2015)

I Galen Hagstrom with Black Hills Energy hereby request to occupy City of Crete Right-of-
Name

Way at W 18th between Norman and Main and alleys 18,19,20th with a device or structure.
Address

Description of structure or device:

2" Gas main replacement due to city paving project on W 18th crossing Main and Norman. Also mains in

Alley crossing W 18,19 and 20th.

- Diagram, or print included?
- Necessary permits and licenses obtained? Insurance?
- Approved by the Public Works Director _____ Date: _____

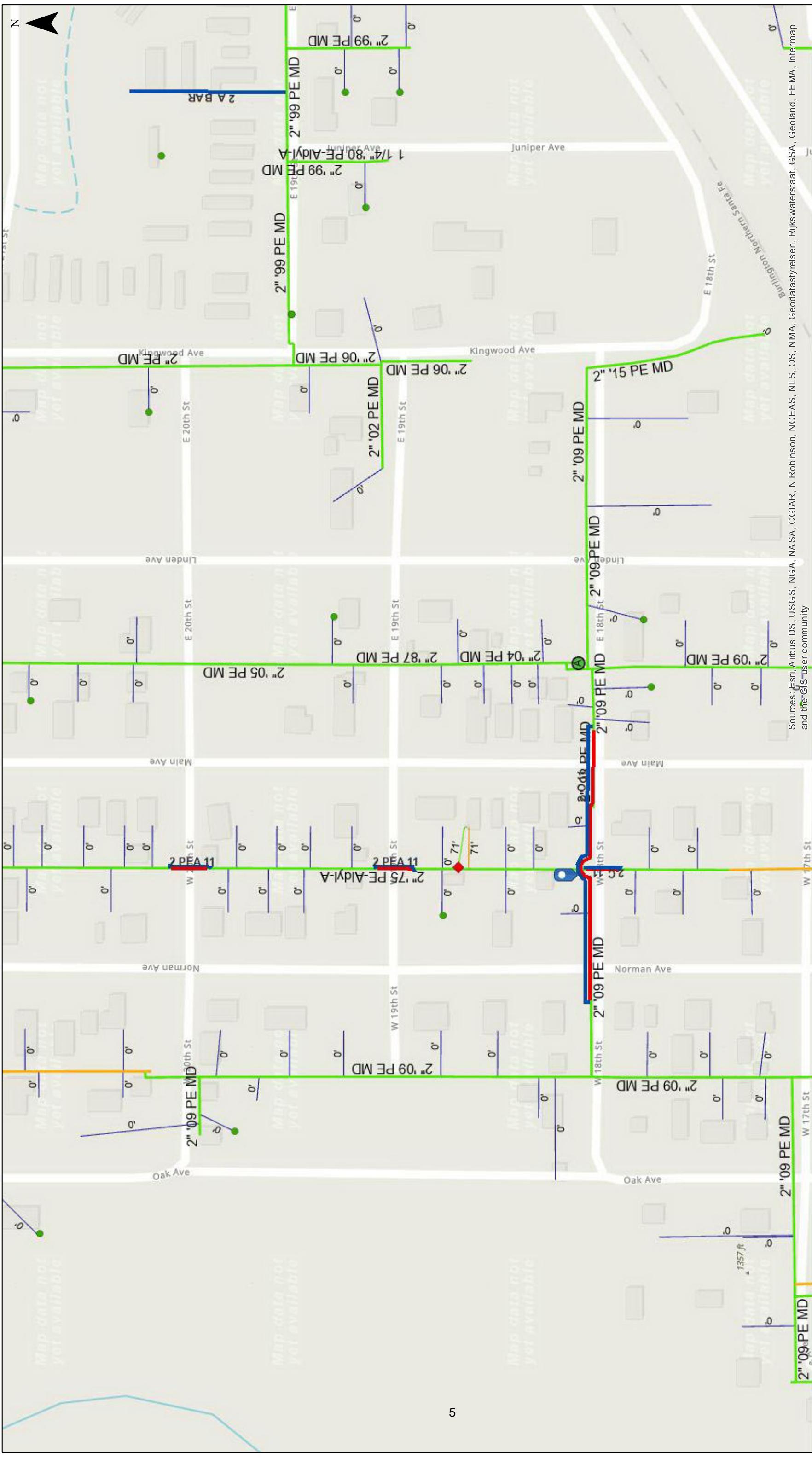
Note:

- 1) All applicants to occupy public right-of-way understand and agree that if, for any reason, the City or its agents require access; the obstruction shall be moved at the applicant's expense.
- 2) Any items approved for placement in the right-of-way shall be held to the building or property line as closely as possible.
- 3) If this is a 3rd party utility type project, all affected property owners shall be notified prior to the beginning of project by the project owner, or the project's contractor.
- 4) City Council approval is required for large projects (more than one property involved, or utility oriented projects).
- 5) All requests to occupy right-of-way must include a detailed sketch, print, or drawing with dimensions with respect to property lines, paving, curbs etc....
- 6) If this application is for underground sprinkler systems, a print or drawing of the system including location of lines and heads with measurements listed must accompany the application. Additionally, the applicant may be required to provide proof of proper permits to install, plumb, and provide backflow protection for said underground sprinkler systems.
- 7) Application for a permanent structure deemed to be a traffic or public safety hazard or which limit visibility will be denied.
- 8) An application shall be approved before any construction or installation is allowed to begin.

Galen Hagstrom
 Signature of Applicant

Sept 9, 2021
 Date of Application

Black Hills Energy



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasysteisen, Rijkswaterstaat, GSA, Geoland, FE/MA, Intermap and the GIS user community



Black Hills Energy Assets Legend

- Proposed New Main
- Proposed Abandoned Main
- Proposed Removed Main
- Proposed New Service
- Proposed Abandoned Service
- Proposed Removed Service

Existing Mains

- Other
- Proposed
- Active, Plastic
- Active, Steel
- Active, Unknown
- Inactive

Existing Services

- Other
- Proposed
- Active, Plastic
- Active, Steel
- Active, Unknown
- Inactive

Crete Norman and Main Paving

Author: G. Hagstrom

Date: 9/7/2021

Bid Security		Bid Bond		Bid Bond	
Contractor		Constructors, Inc. 1815 Y Street, P.O. Box 80268 Lincoln , NE Telephone: (402) 434-1764 Fax: (402) 441-4176 gregl@constructorslincoln.com		Cather and Sons Construction, Inc. PO Box 29199 Lincolns, NE 68529 Telephone: (402) 464-2113 Fax: (402) 464-6759 Email: cathersandsons@gmail.com	
Description	Estimated Quantities	Unit Price	Total Price	Unit Price	Total Price
LINDEN AVENUE AND 12TH STREET ASPHALT OVERLAY					
1. Mill Asphalt	4,690 Sq. Yds.	\$ 3.90	\$ 18,291.00	\$ 5.00	\$ 23,450.00
2. Asphaltic Concrete SPH (0.375)	515 TON	134.00	\$ 69,010.00	130.00	\$ 66,950.00
3. Concrete Manhole Diamonds	4 Each	1450.00	\$ 5,800.00	1,500.00	\$ 6,000.00
4. Signs and Barricades	1 JOB	6,670.00	\$ 6,670.00	12,000.00	\$ 12,000.00
TOTAL BASE BID, LINDEN AVENUE AND 12TH STREET ASPHALT OVERLAY, inclusive:		\$ 99,771.00		\$ 108,400.00	
SUBSTITUTION NO. 1					
Substitute alternate asphalt mix by contractor in lieu of asphalt mix specified. (Per Ton)		Per Ton	\$125.00	\$110.00	
Type of Mix Proposed:		SPR		NDOT SLX	
Contractor's Starting Date:		November 8, 2021		After October 1, 2021	
Contractor's Substantial Completion Date:		November 18, 2021		June 1, 2022	
Contractor's Final Completion Date:		November 19, 2021		June 15, 2022	

HORIZONTAL BORING & TUNNELING CO.

*** QUOTE ***

505 S RIVER AVENUE
P.O. BOX 429
EXETER, NE 68351-0429
PHONE: 402-266-5347
FAX: 402-266-5377
PROJ. MGMT FAX: 402-266-5591
www.hbttrenchless.com

DATE: August 23, 2021

REVISED DATE: August 24, 2021 - Reduce Scope Items

PROJECT: Crete, NE - Water & Sewer Extension - 13th Street West Annexation - BNSF Railroad Crossings

ITEM	DESCRIPTION	ESTIMATED QUANTITIES	UNIT PRICE	TOTAL AMOUNT
Part A - Sanitary Sewer				
1.00	8" PVC SDR26 Sewer Line	220 L.F.	\$ 20.00 /LF	\$ 4,400.00
6.00	Railroad Boring w/ Steel Casing, Spacers, and End Caps	210 L.F.	\$ 447.00 /LF	\$ 93,870.00
10.00	Testing - Air Testing of new Gravity Sewer	1 Lump Sum	----	\$ 2,410.00
Optional Cost Savings				
6A	Substitute 16" steel casing in lieu of 14" steel casing for Sanitary Sewer Bore	1 Lump Sum	----	\$ 4,410.00
Part B - Water				
2.00	8" DIP Restrained Joint Pipe	220 L.F.	\$ 55.00 /LF	\$ 12,100.00
4.00	Railroad Boring w/ Steel Casing, Spacers, and End Caps	210 L.F.	\$ 408.00 /LF	\$ 85,680.00
17.00	Testing - Hydrostatic Testing of new Water Main	1 Lump Sum	----	\$ 3,850.00
Note: Sterilization of new water main by Others				
Additional Items				
1.00	Permits	1 Lump Sum	----	\$ -
2.00	Traffic Control - Signs and Barricades	1 Lump Sum	----	\$ 2,500.00
3.00	Site Restoration	1 Lump Sum	----	\$ 4,000.00
4.00	Railroad Monitoring, Flagging & Observer	1 Lump Sum	----	\$ 26,700.00
5.00	Railroad Protective Insurance	1 Lump Sum	----	\$ 4,200.00
6.00	Site Survey	1 Lump Sum	----	\$ -

NOTES:

- 1.00 Horizontal shall be allowed up to 6 week to procure 8" DIP C151, Class 52 water main pipe for the project.
- 2.00 City of Crete shall provide fully executed railroad permits to Horizontal prior to mobilization.
- 3.00 Others to provide construction staking, pre and post construction surveys and any as-built surveys, if required.
- 4.00 Horizontal shall work with the City of Crete to obtain all Construction permits required for the project at no additional cost to Horizontal.

City of Crete, NE to:

- Provide a water source near the crossing location.
- Responsible for all relocations and re-routing of existing utilities found to be in conflict with the bore alignments.
- Furnish a discharge location, if necessary, for ground water and construction water encountered during our work.
- Provide and maintain all access, easements and room to perform the work.
- Handle all Railroad Permits. Shall provide Horizontal a copy of the fully executed permits once available.

Horizontal Boring & Tunneling Co. shall:

- Excavate their bore and exit pits, set their equipment and materials and shall slope pits, as required for safety. When trench boxes are needed, Horizontal shall furnish and install.
- Furnish all 14" and 16" steel casing and auger bore into place.
- Furnish, handle and assemble all PVC SDR 26 gasketed sanitary sewer pipe and all DIP C151, Class 52, 350 psi rated water main pipe, restraints, tracer wire, or any other items related to the water main and gravity sewer pipes required for installation.
- Furnish and install casing spacers, end seals, and install 8" PVC and 8" DIP carrier pipes inside the 14" and 16" steel casings.
- Furnish and install cathodic protection of the steel casings using 32# anodes.
- Handle all potholing, verification and exposing of existing utilities and existing work ahead of Horizontal's mobilization.
- Handle all sumping of ground water from the bore pits as needed for the work.
- Furnish any rock base materials needed for the work.
- Handle all erosion control and associated permits. Excludes SWPPP permit as expected disturbance shall be less than 1 acre.
- Handle all removals replacements, reseeding and site restoration.
- Handle all backfilling, tamping, and moving or hauling of spoil, as required.
- Handle all inspections and testing required.
- Handle all traffic control, barriers, flashers, flagmen, permits, pedestrian control, fencing or other similar items.
- Handle all Railroad Protective Insurance, inspectors, and flagmen, if any are required.
- Not responsible for any obstructions encountered which are unable to be brought back by the auger or which require boring, jacking or drilling operations to stop.
- Furnish payment and performance bonds, if requested, at an additional cost of \$19.00/\$1000.
- All applicable taxes on Horizontal's materials are included. City of Crete to provide applicable exemption certificates.

Prices exclude rock, shale, rubble, cobbles, boulders, flowing soils or obstructions.

If you have any questions, please contact Lucas Dietterle at (402) 266-5347.

HORIZONTAL BORING & TUNNELING CO.
Lucas Dietterle, P.E., Sr. Estimator/Project Manager

Trenchless Construction Specialist





September 20, 2021

Ref: 226.346

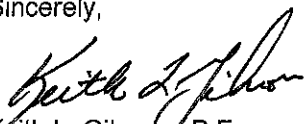
Honorable Mayor & City Council
City of Crete
P.O. Box 86
Crete, NE 68333-0086

13th Street West Annexation - Water and Sewer Extension - Crete, Nebraska

Upon review of the bid proposals received for the above-referenced project, we recommend the City of Crete award project to the lowest, responsive, and responsible bidder to Van Kirk Bros. Contracting, of Sutton, Nebraska, for the bid amount of \$229,641.00.

Should you have any questions at this time, please feel free to contact our office.

Sincerely,



Keith L. Gilmore, P.E.
Vice-President
GILMORE & ASSOCIATES, INC.

KLG:va

Do not recreate or revise the pages of this document, as revisions and recreations will not be accepted. Failure to **return both pages of the original document** by the filing deadline (October 31) may result in the suspension of Highway Allocation funds until the documents are filed.

RESOLUTION

**SIGNING OF THE
MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE
2021**

Resolution No. _____

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include the resolution of the governing body of the municipality authorizing the signing of the certification.

Be it resolved that the Mayor Village Board Chairperson of _____
(Check one box) *(Print name of municipality)*
is hereby authorized to sign the Municipal Annual Certification of Program Compliance.

Adopted this _____ day of _____, 20____ at _____ Nebraska.
(Month)

City Council/Village Board Members

City Council/Village Board Member _____
Moved the adoption of said resolution
Member _____ Seconded the Motion
Roll Call: ____ Yes ____ No ____ Abstained ____ Absent
Resolution adopted, signed and billed as adopted.

Attest:

(Signature of Clerk)

Do not recreate or revise the pages of this document, as revisions and recreations will not be accepted. Failure to **return both pages of the original document** by the filing deadline (October 31) may result in the suspension of Highway Allocation funds until the documents are filed.

MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE TO NEBRASKA BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS 2021

In compliance with the provisions of the State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requiring annual certification of program compliance to the Board of Public Roads Classifications and Standards, the City Village of _____
(Check one box) (Print name of municipality)

hereby certifies that it:

- ✓ has developed, adopted, and included in its public records the plans, programs, or standards required by sections 39-2115 and 39-2119;
- ✓ meets the plans, programs, or standards of design, construction, and maintenance for its highways, roads, or streets;
- ✓ expends all tax revenue for highway, road, or street purposes in accordance with approved plans, programs, or standards, including county and municipal tax revenue as well as highway-user revenue allocations;
- ✓ uses a system of revenue and costs accounting which clearly includes a comparison of receipts and expenditures for approved budgets, plans, programs, and standards;
- ✓ uses a system of budgeting which reflects uses and sources of funds in terms of plans, programs, or standards and accomplishments;
- ✓ uses an accounting system including an inventory of machinery, equipment, and supplies;
- ✓ uses an accounting system that tracks equipment operation costs;
- ✓ has included in its public records the information required under subsection (2) of section 39-2520; and
- ✓ **has included in its public records a copy of this certification and the resolution of the governing body authorizing the signing of this certification by the Mayor or Village Board Chairperson.**

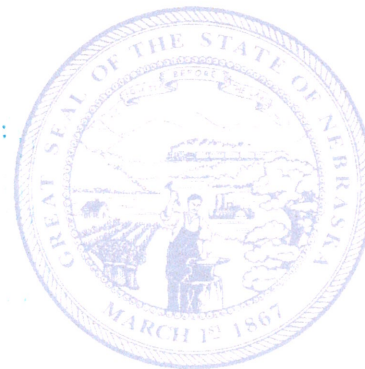


Signature of Mayor Village Board Chairperson (Required) (Date)

Signature of City Street Superintendent (Optional) (Date)

Return the completed original signing resolution and annual certification of program compliance by October 31, 2021 to:

Nebraska Board of Public Roads Classifications and Standards
PO Box 94759
Lincoln NE 68509



July 30, 2021

Pete Ricketts, Governor

Notice to file the Annual Certification of Program Compliance and Signing Resolution with the Nebraska Board of Public Roads Classifications and Standards (NBCS) by October 31, 2021.

To avoid the suspension of Highway-user Revenue to your municipality please complete the enclosed **MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE** and **SIGNING RESOLUTION** and return them to the NBCS by October 31, 2021. Reference Neb. Rev. Stat. §§39-2120 and 39-2121(1).


Penalties for failure to comply can be found in the following State Statutes:

- Failure to comply with the provisions of Neb. Rev. Stat. §39-2115.
- Failure to comply with the provisions of Neb. Rev. Stat. §39-2119.
- Failure to file the Municipal Annual Certification of Program Compliance with the NBCS, Neb. Rev. Stat. §39-2121(2).
- Filing of a materially false Municipal Annual Certification of Program Compliance, Neb. Rev. Stat. §39-2121(3).
- Construction below minimum standards without the prior approval of the NBCS, Neb. Rev. Stat. §39-2121(3).

Note: While the signature of the City Street Superintendent is optional on the certification, the NBCS strongly recommends that the superintendent sign this certification if said municipality has a superintendent.

Please let me know if you have any questions. Email: lemoyne.schulz@nebraska.gov
Phone: (402) 479-4436

Sincerely,


LeMoyne D. Schulz
Secretary for the Board

LDS/2021

xc: File

Attachments (2)

John R. Selmer, P.E., Director
Department of Transportation
Board of Public Roads Classifications and Standards
1400 Highway 2
PO Box 94759
Lincoln, NE 68509-4759
dot.nebraska.gov
OFFICE 402-479-4436
ndot.blshelp@nebraska.gov

- Roger A. Figard
Lincoln
- LeRoy G. Gerrard
Stromsburg
- Barbara J. Keegan
Alliance
- John F. Krager, III
Omaha
- Lisa Kramer
Kennard
- James A. Litchfield
Wakefield
- Mick Syslo
Lincoln
- Steven D. Rames
Norfolk
- Timothy W. Weander
Omaha
- Edward R. Wootton, Sr.
Bellevue
- LeMoyné D. Schulz
Secretary – ex officio



September 13, 2021

Mr. Dave Gilmore, P.E.
Gilmore & Associates
P.O. Box 565
Columbus, NE 68602-0565

**RE: Proposal of Work and Costs
Geotechnical Engineering Study
22nd Street Lift Station
and Directional Drilling Exploratory Borings
Crete, Nebraska**

Mr. Gilmore,

Mid-State Engineering & Testing, Inc. is pleased to submit this proposal to provide a Geotechnical Engineering Study for a single proposed new lift station and provide soils information for the planned directional borings to be performed near 22nd Street and Juniper and Ivy Avenue in Crete, Nebraska. This proposal will outline our proposed work scope and the associated costs required to complete this study.

PROJECT DESCRIPTION

As proposed, construction will consist of a single new lift station, located on the south side of 22nd Street, east of the intersection of 22nd Street and Ivy Avenue in Northern Crete, NE. Based on the information provided by Gilmore and Associates, boring depth will extend to a depth 30 feet below existing grade in each boring.

PROPOSED WORK SCOPE

Our investigation will consist of drilling and sampling the subgrade soils, lab testing to determine the engineering property of the various soils, and a report of findings and recommendations. The scope of our report will include an evaluation of the engineering properties of the soils encountered, provide foundation bearing capacity and lateral earth pressure information and provide general recommendations for construction with respect to the soil's encountered.

MOBILIZATION

A one-time mobilization cost of \$400.00 will be required to mobilize a drill crew to and from the site.

**MID-STATE
ENGINEERING & TESTING**

Proposed Lift Station
And Directional Borings
Crete, Nebraska
September 13, 2021
Page 2 of 3

DRILLING AND SAMPLING

Based on the size and anticipated depth of the structure, a single soil boring is recommended for the lift station structure and two (2) (one on each side of the bridge) for the directional boring. Based on the elevations of the new lift station and directional borings, boring depths of 30 feet are recommended.

Drilling and sampling (Split Spoon or Shelby Tube) at intervals of 5 feet or less will be performed with a Mobil drill rig using continuous flight augers. All drilling will be performed at a unit cost of \$18.00/lineal foot. Borings will be logged by a Professional Geotechnical Engineer or Engineering Technician. Based on a drilling footage of 90 lineal feet, drilling costs will be \$1,620.00.

LABORATORY TESTING

Based on previous experience with similar projects, we anticipate the following tests will be required to evaluate the site soils. Testing will be performed at the following unit rates.

Moisture Contents (D2216-80).....	\$9.00 each
Density Determinations (D2216-80)	33.00 each
Atterberg Limits (D4318-84).....	60.00 each
Sieve Analysis (washed) (D422-72).....	100.00 each
#200 Washed Sieve Analysis (D1140-70).....	27.50 each

We anticipate total lab testing will range between approximately \$600.00 and \$750.00.

ENGINEERING

Engineering time will be provided at a rate of \$90.00/hour for a Project Engineer and \$120.00/hour for a Senior Level Geotechnical Engineer. This includes the costs of data reduction, report preparation, and consultation during design. We anticipate total engineering costs to complete this study will be \$1,200.00.

ESTIMATED TOTAL COST

Based on the indicated work scope, the total cost for this study is estimated at \$3,820.00 to \$3,970.00. The \$3,970.00 figure will not be exceeded unless additional work is authorized by the Owner. All work will be invoiced at the unit rates noted in this proposal for only the work performed.

Based on our current backlog, we anticipate being able to begin drilling approximately 10 – 15 days after authorization to proceed (weather permitting), with a formal report completed approximately 3 weeks after drilling. Verbal information will be available approximately one week after drilling has been completed.

Mid-State Engineering & Testing Inc. is qualified to conduct material testing for the U.S. Army Corps of Engineers for soils, aggregates and concrete tests and is accredited through the

MID-STATE
ENGINEERING & TESTING

Proposed Lift Station
And Directional Borings
Crete, Nebraska
September 13, 2021
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AASHTO Accreditation Program in Concrete, and Aggregates. Inspections and proficiency tests are performed through CCRL and AMRL. Our field technicians are certified through NICET, ACI, and NDOR. Mid-State Engineering & Testing, Inc. carries a full range of general and professional liability insurance, which has been included for your review and would be in effect for this project. Any additional insurance requested would be invoiced only at the cost required to obtain the additional insurance.

If you have any questions or need further information, please contact us at 402-562-7824. If this proposal of work and cost is acceptable, please return a signed copy at your convenience.

Respectfully Submitted,
Mid-State Engineering & Testing, Inc.



Scott A. Barnett, P.E.
President/Sr. Geotechnical Engineer

Accepted by: _____ Date: _____

ORDINANCE NO. 2139

AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO THE DUTIES AND RESPONSIBILITIES OF THE DIRECTOR OF PUBLIC WORKS; TO AMEND SECTIONS 1-318, 1-321, 2-1508, 3-201, 3-302, 5-233, 5-234, 5-235, 8-104, 8-105, 8-109.01, 8-111, 8-202, 8-205, 8-301, 8-303, 8-310, 9-711.09, AND 9-1001; AND TO REPEAL SECTION 1-321.01.

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

Section 1. That Chapter 1, Article 3, Section 1-318 of the Crete Municipal Code shall be amended as follows:

1-318 Appointed officials; city engineer.

- (1) ~~The Public Works Director shall serve as City Engineer. The City Engineer shall, when requested by the Governing Body, make or cause to be made estimates of the cost of labor and materials, which may be done or furnished by contract with the Municipality City, and make or cause to be made all surveys, estimates, and calculations necessary to be made for the establishment of grades, the building of culverts, sewers, electric light systems, waterworks, power plants, public heating systems, bridges, curbing, and gutters, the improvement of streets, and the erection and repair of buildings. The City Engineer shall perform such additional duties as the Governing Body may require.~~
- (2) ~~It shall be the City Engineer's duty to~~ The City Engineer shall make or cause to be made a record of the minutes of any surveys made and of all work done for the ~~Municipality City, including sewers, extension of water systems and heating systems, electric light and sewerage systems, and power plants,~~ and accurately make or cause to be made such plats, sections, profiles, and maps as may be necessary in the prosecution of any public work, which shall be public records and belong to the ~~Municipality City.~~
- (3) The City Engineer shall perform such other duties as may be assigned by the City Administrator or otherwise provided for by law.

Section 2. That Chapter 1, Article 3, Section 1-321 of the Crete Municipal Code shall be amended as follows:

1-321 Appointed officials; public works director.

- (1) ~~The Director of Public Works shall be under the direct supervision of the City Administrator and shall have the general charge, direction, and control over such public works, grounds, parks, and utility departments, or parts of said departments, and such all city employees, property, and facilities as may be delegated by the City Administrator or otherwise provided for by law of the Municipal Electric, Water, and Sewer systems; the enforcement of building, electrical, and plumbing codes, zoning ordinances, and safety and health regulations; and, landfills, solid waste collection sites, and solid waste transfer stations of the Municipality.~~
- (2) ~~The Director of Public Works may also be appointed to perform the duties of Municipal Street Superintendent or Municipal Parks and Recreation Director, to perform the duties of each position as set forth in Crete City Code, and if so appointed, no separate Municipal Public Works Director, Municipal Street Superintendent, or Municipal Parks and Recreation Director shall be appointed. If~~

~~the Director of Public Works is not appointed to fill either the Municipal Street Superintendent or the Municipal Parks and Recreation Director positions, as set forth herein, a separate Municipal Street Superintendent or Municipal Parks and Recreation Director shall be appointed as provided by Crete City Code.~~

- ~~(a) If appointed to act as Municipal Street Superintendent, the Director of Public Works shall have general charge, direction, and control over all employees, property, and facilities of the streets, rights-of-way, sidewalks, culverts, bridges, storm sewers, and drains.~~
- ~~(b) If appointed to act as Municipal Parks and Recreation Director, the Director of Public Works shall have general charge, direction, and control over all employees, property, and facilities of the Municipal Parks and Recreation Department, and he or she shall, at the request of the Parks and Recreation Board of Commissioners, make a detailed report to the Governing Body on the condition of the parks and swimming pools and shall direct their attention to such improvements, repairs, extensions, and additions.~~

(2) The Director of Public Works shall:

- (a) Confer with the City Administrator and City Attorney to develop contracts on behalf of the City for the performance of all work on public projects and the erection of all public improvements;
- (b) Superintend the performance of all such work and the erection of all such improvements;
- (c) Approve the estimates of the City Engineer of the value of the work as the same may progress;
- (d) Accept any work done or improvements made when the same shall be fully completed according to contract; and,
- (e) Perform such other duties as prescribed by law or as assigned by the City Administrator.

Section 3. That Chapter 1, Article 3, Section 1-321.01 of the Crete Municipal Code shall be repealed in full.

Section 4. That Chapter 2, Article 15, Section 2-1508 of the Crete Municipal Code shall be amended as follows:

2-1508 Tree Board; distance and clearances for planting

- (1) Street trees may be planted in the ~~tree lawn~~ public right-of-way where there is more than six feet between the edge of the sidewalk and the curb of the street, subject to the following restrictions: Street trees shall be planted no closer than three feet from a sidewalk, driveway, or street. No street tree shall be planted closer than thirty five feet from any street corner, measured from the point of the nearest intersection of curbs or curblines. No street tree shall be planted closer than ten feet from any fireplug.
 - (a) Street trees shall not be planted closer than thirty-five feet from any street corner, measured from the point of the nearest intersection of curbs or curblines.
 - (b) Street trees shall not be planted closer than ten feet from any fire hydrant.
 - (c) Street trees shall not be planted closer than three feet from any sidewalk, driveway approach, street, alley, utility pole, or any other public utility structure or apparatus.
- (2) Special permission must be obtained from the ~~Public Works Director~~ City when planting street trees within ten feet of any point on a line on the ground immediately below any overhead utility wire.

Section 5. That Chapter 3, Article 2, Section 3-201 of the Crete Municipal Code shall be amended as follows:

3-201 Water department; administration

- (1) The Director of Public Works shall ~~have~~ be responsible for the direct management and ~~control administration~~ of the Water Department and its employees and property and ~~shall faithfully carry out the duties of the office.~~ The Director of Public Works shall have the authority to adopt ~~may develop and propose~~ rules and regulations for the proper and efficient management of the Water Department and the Municipal city water system; ~~subject to the supervision and review of the City Council.~~
- (2) The City Administrator shall have the authority to adopt and promulgate rules and regulations, not inconsistent with law, for the government of the Water Department, the conduct of its employees, the distribution and performance of its business and services, and the custody, use, and preservation of its records, papers, books, documents, and property.

Section 6. That Chapter 3, Article 3, Section 3-302 of the Crete Municipal Code shall be amended as follows:

3-302 Sewer department; administration

- (1) The Director of Public Works shall ~~have~~ be responsible for the direct management and ~~control administration~~ of the Sewer Department and shall faithfully carry out the duties of the office. ~~The Director of Public Works shall have the authority to adopt~~ may develop and propose rules and regulations for the proper and efficient management of the Sewer Department and the Municipal city sewer system; ~~subject to the supervision and review of the City Council.~~
- (2) The City Administrator shall have the authority to adopt and promulgate rules and regulations, not inconsistent with law, for the government of the Sewer Department, the conduct of its employees, the distribution and performance of its business and services, and the custody, use, and preservation of its records, papers, books, documents, and property.

Section 7. That Chapter 5, Article 2, Section 5-233 of the Crete Municipal Code shall be amended as follows:

5-233 Establishment of snow emergency routes.

~~The Director of Public Works~~ City is hereby authorized to ~~may~~ establish snow emergency routes upon any street or highway of the city and ~~may place~~ shall have appropriate signs, marks, lines, signals, or other traffic control devices placed to indicate ~~indicating~~ the existence of said snow emergency routes. Such designation of any street, highway, or portion thereof as a snow emergency route shall in no way affect any previous designation of the street or highway as an arterial, collector, local, or other road designation.

Section 8. That Chapter 5, Article 2, Section 5-234 of the Crete Municipal Code shall be amended as follows:

5-234 Deposit of snow and ice on public property.

No person shall deposit, throw, blow, or otherwise dispose of any snow, ice, or hard-packed snow on any public property, street, alley, or other public ~~way~~ right-of-way, except for the sidewalks in the downtown area, as defined ~~by the Director of Public Works in section 11-522, which~~ wherein snow shall be returned to the curblines dividing the streets and sidewalks ~~in said designated area.~~

Section 9. That Chapter 5, Article 2, Section 5-235 of the Crete Municipal Code shall be amended as follows:

5-235 License to remove snow and ice on public property.

- (1) For the purpose of this section, the words "remove snow or ice on public property" shall be deemed to be any service or system that purports to furnish or does furnish, for consideration, any snow, ice, or hard-packed snow removal services for sidewalks or other public ways located on public property or for pushing or carrying snow, ice, or hard-packed snow on or across public property. The phrase shall not include the removal of snow, ice, or hard-packed snow without consideration or remuneration or by anyone under the age of sixteen years old performing the services, whether for consideration or not.
- (2) Before any person, firm, or corporation shall conduct, maintain, or solicit any snow, ice, or hard-packed snow removal services on public property, an application for a license to engage in such services shall be made in writing to the Director of Public Works City for permission to engage in such services, which. The application shall include information about the person, firm, or corporation and describe what, where, and how the service will be conducted.
- (3) Any permit license issued by the City under this section shall be for a period of one year and may be revoked at any time for cause by the Director of Public Works. The person, firm, or corporation operating such service in the city shall comply with all applicable federal, state, and local laws and shall maintain public liability property damage insurance in such amounts as may be required by the City. The fee for the permit license shall be set forth in the City's Master Fee Schedule.
- (4) It is hereby declared to be unlawful for any person, firm, or corporation, either as principal or agent, to conduct, maintain, or solicit any snow, ice, or hard-packed snow removal services on public property without first obtaining a permit license from the Director of Public Works City.

Section 10. That Chapter 8, Article 1, Section 8-104 of the Crete Municipal Code shall be amended as follows:

8-104 Municipal property; permitted obstructions

- (1) Any person engaged in the erection, construction, reconstruction, ~~wrecking demolition~~, or repairing of any structure or building or the construction or repair of any sidewalk or driveway approach along any street may occupy the public street space right-of-way with such approved building materials and equipment as long as is necessary if such persons shall make upon application to and receive receipt of a permit in writing from the Public Works Director to do so; City. provided;
- (2) No permit shall be granted for the occupancy of the sidewalk space and more than one-third of the roadway of the public space right-of-way adjacent to the real estate property on which said structure or building is to be constructed, erected, reconstructed, ~~wrecked demolished~~, or repaired. shall be granted; and provided further;
- (3) A suitable passageway for pedestrians shall be maintained at all times within the public space right-of-way included in that is the subject of the permit, which Said passageway shall be protected and lighted in the manner required by the Public Works Director City.

Section 11. That Chapter 8, Article 1, Section 8-105 of the Crete Municipal Code shall be amended as follows:

8-105 Municipal property; weeds

- (1) It is hereby the duty of the ~~Director of Public Works Director~~ or his their ~~duly~~ authorized agents and ~~employees~~ to view and inspect the sidewalk space public right-of-way within the corporate limits for growing weeds or worthless vegetation during the growing season, ~~and. If rank and noxious weeds or worthless vegetation are found growing thereon, he shall notify~~ notice shall be given to the property owner or current occupant thereof to cut down directing them to cut, mow, or remove such weeds or worthless vegetation as close to the ground as can be practicably done and to keep the weeds or worthless vegetation cut, mowed, or removed thereon in like manner during the growing season for weeds. In the event ~~that the property owner of any lot or parcel of land within the Municipality is a non-resident of the Municipality or cannot be found therein,~~ the notice may be given to any person having the care, custody, or control of ~~such lot or parcel of land~~ the property. In the event ~~that there can be found no one can be found within the Municipality to whom notice can be given, it shall be the duty of the Public Works Director or his agent to post a copy of the notice shall be posted on the premises property.~~
- (2) ~~and then~~ If the property owner or occupant fails to comply within three days after notice has been given, the City shall have to cut or cause the weeds or worthless vegetation thereon to be cut, mowed, or removed as therein provided, and report the cost thereof in writing to the Governing Body. The cost shall then be audited and paid by the Municipality and the amount thereof shall be assessed against the lot or parcel of land as a special tax thereon and shall be collected as are other taxes of the Municipality or may be recovered by civil suit brought by the Municipality against the owner of the parcel of land. In the event the property owner is a non resident of the county in which the property lies, the Municipality shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested to the last known address of the non resident property owner. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published. The costs of the cutting, mowing, or removal shall be billed to the property owner, and if unpaid and deemed delinquent, the City may assess the costs against the property as a special assessment, place a lien upon the property, or otherwise collect the costs in any manner provided by law.

Section 12. That Chapter 8, Article 1, Section 8-109.01 of the Crete Municipal Code shall be amended as follows:

8-109.01 Municipal property; topping of trees

- (1) It shall be unlawful ~~as a normal practice~~ for any person, ~~firm, or city department~~ to top any street tree, park tree, or other tree located on public property or rights-of-way. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.
- (2) The topping of trees severely damaged by storms or other natural causes, or of certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempt from this ordinance section at the determination discretion of the City Administrator Arborist or Public Works Director.

Section 13. That Chapter 8, Article 1, Section 8-111 of the Crete Municipal Code shall be amended as follows:

8-111 Municipal property; street and alley right-of-way; permitted obstructions; permits for construction; removal upon request

- (1) ~~Any person desiring that would like to place any above-ground or below-ground structure in the public right-of-way are permitted to occupy the public right of way provided a permit is applied~~ must apply for and be granted a permit by the Public Works Director from the City, and the following requirements, at a minimum, are must be met, to-wit:
 - (a) Such structures shall not pose a hazard to pedestrians or vehicular traffic.
 - (b) Such structures shall not hinder the view of pedestrians or vehicular traffic.
 - (c) Below ground structures shall not interfere with or hinder the operation of any utilities or right-of-way functions for any present or future public use.
- (2) Any person who places a structure in the public right-of-way shall be required to remove or repair such structure, at ~~that~~ their own expense, ~~should it be the City require the structure to be removed or repaired for any reason by the City for construction or improvements of any public use in the right-of-way. The City of Crete or and its officers, employees, and agents are not responsible for the removal, relocation, or repair of any structure or other obstruction placed in the public right-of-way.~~

Section 14. That Chapter 8, Article 2, Section 8-202 of the Crete Municipal Code shall be amended as follows:

8-202 Sidewalks; kept clean; notice

- (1) The accumulation of snow, sleet, mud, ice, or other substance on sidewalks in violation of section 8-201 is hereby declared a public nuisance.
- (2) Notice to remove the accumulation of snow, sleet, mud, ice, or other substance from the sidewalks adjacent to any property shall be made to the property owner or current occupant. Said notice shall be made by personal service, telephone, posting on the property, or first-class mail and shall contain the location and description of the violation. The property owner or occupant shall have twenty-four hours to comply with the notice.
- (3) If the property owner or occupant fails to comply with the notice, the City may have the work done to remove the accumulation of snow, sleet, mud, ice, or other substance from the sidewalks. The costs of the removal shall be billed to the property owner, and if unpaid and deemed delinquent, the City may assess the costs against the property as a special assessment, place a lien upon the property, or otherwise collect the costs in any manner provided by law.

~~If the requirements of section 8-201 are not complied with, notice to remove snow, sleet, mud, ice, or other substance from any lots or vacant lots within the corporate limits shall be made to the occupant or owner. The notice shall be made by the Public Works Director or his/her agent either verbally, by telephone, posting, or mail service, and complete documentation on the notice given shall be maintained. The notice shall contain the location of the violation, and the occupant or owner shall be allowed twenty four hours in which to comply. If the notice is not complied with, the Public Works Director or his/her agent shall order the substance removed from the sidewalks, and the cost, as adopted as City policy, will be assessed to the property. If the costs are not paid and are deemed delinquent, the Municipality may file a lien against the property and they shall be collected in the manner as provided by law.~~

Section 15. That Chapter 8, Article 2, Section 8-205 of the Crete Municipal Code shall be amended as follows:

8-205 Sidewalks; construction by owner

- (1) ~~Any person desiring to construct or cause to be constructed any sidewalk shall do so only as herein provided. It shall be unlawful for any person to construct a sidewalk without first having obtained obtaining a building permit from the City. Said owner shall make application in writing for a permit and file such application in the office of the Public Works Director. The application for a permit shall give a description of the lot or piece of land property along which the sidewalk is to be constructed, the current or proposed use of the property, and the location, grade, and elevation of the proposed sidewalk. The Public Works Director shall issue the desired permit unless good cause shall appear why said permit should be denied; provided, if it is desired to construct the sidewalk at any other than the regularly prescribed location, grade, or elevation, the Public Works Director shall submit the application to the Governing Body who shall determine whether the permit should be granted or denied. It shall be unlawful for any person to construct or cause to be constructed said sidewalk at any other location, grade, or elevation than so designated by the Municipality. All sidewalks shall be built and constructed on the established grade or elevation of the adjacent street, and if there is no established grade or elevation, then on the grade or elevation indicated specified by the Public Works Director City.~~
- (2) ~~If the applicant would like to construct a sidewalk according to specifications other than those prescribed by the City, the City Administrator shall determine whether the permit should be granted or denied. It shall be unlawful for any person to construct or cause to be constructed a sidewalk at any location, grade, or elevation other than so designated by the City.~~

Section 16. That Chapter 8, Article 3, Section 8-301 of the Crete Municipal Code shall be amended as follows:

8-301 Streets; names and numbers.

- (1) ~~The City Council may at any time, by ordinance, rename any street or provide a name for any new street shall have the power to name or rename any street within the corporate limits of the City or its extraterritorial zoning jurisdiction. All buildings or parts of buildings, lots, parcels, and other portions of land used for residence or business purposes and located along such streets shall be assigned or retain such the address numbers as the City Council may require set by the City Administrator.~~
- (2) ~~It shall be the duty of the Building Inspector, upon the approval of a building permit for the construction of any new building or buildings, to assign the proper numbers set by the Director of Public Works City Administrator to said building or buildings and give notice to the property owner or owners and current occupant or occupants of the same.~~

Section 17. That Chapter 8, Article 3, Section 8-303 of the Crete Municipal Code shall be amended as follows:

8-303 Streets; excavation

~~It shall be unlawful for any person to make an excavation in any street, alley, or streets public right-of-way for any purpose whatsoever unless a written permit is issued by the Public Works Director City.~~

Section 18. That Chapter 8, Article 3, Section 8-310 of the Crete Municipal Code shall be amended as follows:

8-310 Streets; driveway approaches

- (1) ~~The Public Works Director~~ City may require the owner of property served by a driveway approach, which is constructed or maintained upon the street public right-of-way, to repair, or replace, or remove any such driveway approach, which is cracked, broken, or otherwise deteriorated, to the extent that it is causing or is likely to cause damage to or interfere with any street structure, including pavement or sidewalks.
- (2) ~~The Municipal Clerk~~ Notice shall be given to the property owner ~~notice by registered letter first-class or certified mail directed to the last-known address of such owner or to the agent of such owner directing the repair, or replacement, or removal of such the driveway approach. If, within thirty days of mailing such notice, the property owner fails or neglects to cause such repairs or replacements to be made comply with the notice, the Street Commissioner~~ City may ~~cause such~~ have the work to be done to repair, replace, or remove the driveway approach and assess the cost upon the property served by such approach. The costs of the work shall be billed to the property owner, and if unpaid and deemed delinquent, the City may assess the costs against the property as a special assessment, place a lien upon the property, or otherwise collect the costs in any manner provided by law

Section 19. That Chapter 9, Article 7, Section 9-711.09 of the Crete Municipal Code shall be amended as follows:

9-711.09 Water conditioners; examination to be basis for issuance

When the applicant for a license required by section 9-711.01 passes the required examination to the satisfaction of the City, the Building Inspector shall notify the applicant of his or her score within fifteen days of the examination. The Building Inspector shall provide the ~~Director of Public Works~~ City Administrator the names of all successful applicants for licensing under this article with recommendations for or against the issuance of such license.

Section 20. That Chapter 9, Article 10, Section 9-1001 of the Crete Municipal Code shall be amended as follows:

9-1001 Water line interconnection; lawn sprinkling systems

- (1) It shall be unlawful for any person to construct, install, or make a major revision of any lawn sprinkling system within the corporate limits of the City or its extraterritorial zoning jurisdiction without first having obtained a permit for said construction or installation from the Building Inspector. Any person who shall construct, install, or make a major revision of a lawn sprinkling system without first having obtained the required permits shall pay the additional permit fees, fines, or penalties set forth in the City's Master Fee Schedule and such person shall not in any way be relieved from complying with all of the provisions of the laws, rules, or regulations applicable to the construction and installation of lawn sprinkling systems. An exemption from the permit requirement is made for sprinkler systems which are not served or supplied by the public potable water system of the City of Crete.
- (2) Application for a permit shall be made in writing to the Building Inspector on a form approved by the ~~Director of Public Works~~ City Administrator. All such applications shall be accompanied by plans and specifications in sufficient detail to clearly show the supply piping, pipe sizes, and depth of pipes below ground surface, the location of valves, vacuum breakers, adjacent curbs, sidewalks, and property lines, and such other pertinent information required or deemed necessary by the ~~Director of Public Works~~ City.

Section 21. That the changes specified in the above sections shall be codified as part of the Crete Municipal Code as stated herein.

Section 22. That all ordinances, parts of ordinances, or code provisions in conflict herewith shall be repealed and that any partial repeal shall not affect the other parts of ordinances or codified sections that can be given effect without the repealed parts.

Section 23. That if any section, part, or provision of this ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any other section, part, or provision of this ordinance.

Section 24. That this ordinance shall be published in pamphlet or book form and shall take effect and be in full force and effect from and after its passage, approval, and publication, as provided by law.

PASSED AND ENACTED the 21st day of September 2021.

Mayor

ATTEST:

City Clerk