

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 7, 2014 AGENDA**

Subject:	Type:	Submitted By:
THOMPSON CREEK WATERSHED RESTORATION-CHANNEL REHABILITATION CENTURY LINK RELOCATION AGREEMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ASSISTANT PUBLIC WORKS DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing the execution of an agreement with Century Link for relocation of aerial telephone cable and appurtenances. This work is necessary as part of the power line relocation by OPPD to clear the path for the Thompson Creek Channel Rehabilitation project.

FISCAL IMPACT

The funding for these services will come from the NDEQ EPA/319 Non-Point Source Grant #56-1382 and Sales Tax. The grant is 60/40 with 40% being the required local share. The project funding is contained in the CIP and spans multiple years.

RECOMMENDATION

Approval

BACKGROUND

The City submitted a grant application to the Nebraska Department of Environmental Quality (NDEQ) in the fall of 2012 for funding of the Thompson Creek Watershed Restoration Project. A grant was awarded in the amount of \$150,000 valid for the period of October 1, 2013 through October 31, 2014. A local share of \$100,000 was required. The grant has been used for various public education and demonstration projects. Relocation of utilities is one of the activities listed in the grant as part of the channel rehabilitation efforts. This agreement and the related expenditure will complete the utilization of the grant.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CENTURY LINK FOR RELOCATION OF AERIAL TELEPHONE CABLE AND APPURTENANCES AS PART OF THE THOMPSON CREEK WATERSHED RESTORATION – CHANNEL REHABILITATION PROJECT.

WHEREAS, the Mayor and City Council find it necessary to have an agreement to relocate a power line to clear a path for the Thompson Creek Channel Rehabilitation project; and

WHEREAS, the FY15 Capital Improvement Program contains funding for the City's portion of the project; and

WHEREAS, the grant awarded to the City by NDEQ allows for relocation of utilities for the project; and

WHEREAS, it is necessary for Century Link to relocate aerial telephone cable and appurtenances to allow the power line relocation by OPPD to clear the path for the Thompson Creek Channel Rehabilitation project; and

WHEREAS, the Agreement for this service is known as a Service Order;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of La Vista, Nebraska, authorizing the execution of an agreement with Century Link for relocation of aerial telephone cable and appurtenances as part of the Thompson Creek Watershed Restoration – Channel Rehabilitation Project.

PASSED AND APPROVED THIS 7TH DAY OF OCTOBER, 2014

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



Contract No No
Job Authorization No E682762
CTL Affiliate: Qwest Corporation

Special Construction Proposal

Date: <u>8/22/2014</u>	
Billing Address:	Work Location:
Customer: <u>City of La Vista</u>	<u>Parkview Watershed - Thompson Creek Project</u>
Attention: <u>John Kottmann</u>	County <u>SARPY</u>
<u>9900 Portal Rd</u>	<u>LA VISTA, NE</u>
<u>La Vista, NE 68128-5509</u>	

This Proposal is governed by the terms and conditions set forth herein as well as any applicable state or federal tariffs filed with the appropriate state or federal regulators. Description and/or specifications of work to be performed by an operating affiliate of CenturyLink Inc. ("CenturyLink") under this Proposal ("Work") is as follows:

Work will consist of digging one pit, removing 3357' of aerial cable and approximately 30 aerial service wires, placing 3357' of new aerial cable, placing 12 aerial terminals, placing 12 aerial service wires, placing 140' of new buried cable, placing new cable up 2 poles, and performing associated splicing, terminations, cutover, and testing.

Advance Payment (required before work begins): \$45,053.41

Total Charges: Forty-Five Thousand Fifty-Three Dollars and 41/100

For the Work performed hereunder, Customer will be responsible for these Charges only, unless a Change Order is signed by both parties. All Charges shall be paid prior to commencement of the Work ("Advance Payment"). All past due undisputed accounts will be assessed a late fee at 14% APR. Where applicable, Customer shall also be responsible for foreign, federal, state and local taxes assessed in connection with the Work, including without limitation, all use, sales, value added, surcharges, excise, franchises, commercial, gross receipts, license, privilege or other similar charges, whether charged to or against CenturyLink or Customer, but excluding any taxes based on CenturyLink's net income.

For **Governmental Customers only**, CenturyLink will submit an invoice of charges upon completion of the Work, payable within forty five (45) days of receipt. Past due undisputed amounts will be assessed a late fee of 14% APR or such lesser amount if required under applicable state and/or federal law.

*Note If applicable, the Work proposed here is separate from any work that may be performed pursuant to any other order or agreement, including but not limited to a Pre-Service Request for cell site provisioning. This Proposal may be withdrawn by CenturyLink if not accepted by the Customer within 30 days. **Upon execution by both parties, this Proposal and the terms and conditions of any applicable tariffs or Rates and Services Schedules on file with the applicable regulatory authorities shall constitute a binding agreement upon the parties.**

CenturyLink

Authorized Signature: _____

Name Printed/Typed: _____

Title: _____

Date: _____

Customer

Authorized Signature: _____

Name Printed/Typed: _____

Title: _____

Date: _____