

April 7, 2011

# ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, APRIL 7, 2011

STATE OF NEBRASKA            )  
   )  
 COUNTY OF BOX BUTTE        ) §  
   )  
 CITY OF ALLIANCE             )

The Alliance City Council met in a Regular Meeting, April 7, 2011 at 7:00 p.m., in the Board of Education Meeting Room, 1604 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on March 31, 2011. The notice stated the date, hour and place of the meeting, that the meeting was open to the public, and that an agenda of the meeting, kept continuously current, was available for public inspection at the office of the City Clerk in City Hall; provided the Council could modify the agenda at the meeting if it determined an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each of the City Council Members. An agenda, kept continuously current, was available for public inspection at the office of the City Clerk during regular business hours from the publication of the notice to the time of the meeting.

Mayor Feldges opened the April 7, 2011 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Feldges, Council Members Yeager, Kusek, Benzel, and Gonzalez. Also present were City Manager Cox, City Attorney Miller, and City Clerk Jines.

- Mayor Feldges read the Open Meetings Act Announcement.
- The first item on Council’s agenda was the Consent Calendar.

Motion by Councilman Kusek, seconded by Councilman Benzel to approve the Consent Calendar which follows in its entirety:

### CONSENT CALENDAR – APRIL 7, 2011

1. Approval: Minutes of the Regular Meeting, March 24, 2011.
2. Approval: Payroll and Employer Taxes for the period March 5, 2011 through March 18, 2011 inclusive: \$166,070.12 and \$11,798.97 respectively.

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3. Approval: Claims against the following funds for the period March 21, 2011 through April 4, 2011: General, General Debt Service, Trust and Agency, Street, Electric, Refuse Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement; \$57,997.17.

4. The issuance of the following Contractor Licenses:

General Contractor: Dale Wood, dba Dale Wood Construction, Inc.  
 Christopher Mischnick, dba Walter Mischnick Contractors and Builders, Inc.  
 Gary Hutzel, dba Morton Buildings, Inc.  
 Terry Smith, dba Buland Group Construction Services  
 KONE, Inc.  
 Roger Solberg, dba Clear Building Corporation

Master HVAC & Gas Fitter: Dennis Meng, dba Merritt, Inc.  
 Doug Wilson, dba Source Gas

Master HVAC: Mark V. Sitzman, dba Independent Plumbing & Heating, Inc.  
 Tod Heldenbrand, dba 4<sup>th</sup> Street Fencing, Heating & Cooling and Appliance Repair  
 Rashid Kadir, dba Tessier's, Inc.  
 Steve L. Weinberger, dba Sheet Metal Products, Inc.  
 Bill Schlaepfer, dba Gering Valley Plumbing & Heating

Limited & Specialty: L. Eric Farrar, dba Rosenbaum's Signs & Outdoor Advertising, Inc.  
 Lamar Outdoor Advertising  
 Ronald F. Lee, dba C & R Plastering  
 Dale Jeske, Jr., dba Jeske Lawn Sprinklers  
 Doug Wilson, dba Source Gas  
 Tod Heldenbrand, dba 4<sup>th</sup> Street Fencing, Heating & Cooling and Appliance Repair  
 Mike Ferguson, dba Ferguson Signs, Inc.

Repair & Maintenance: Dale Jeske, Jr., dba Jeske Lawn Sprinklers  
 The Betz Corporation  
 Stephen D. Steggs, dba Steve's  
 ABC Seamless  
 Richard Schank, dba Schank Roofing Service  
 Leo Acosta, dba Leo's Service  
 Ryan Reynolds, dba IX Design Builders  
 Roger E. Osland, dba Construction Plus, Inc.

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Tod Heldenbrand, dba 4<sup>th</sup> Street Fencing, Heating &  
Cooling and Appliance Repair

Journeyman Plumber: Bill Schlaepfer, dba Gering Valley Plumbing & Heating

Master Plumber: Dennis Meng, dba Merritt, Inc.  
Mark V. Sitzman, dba Independent Plumbing & Heating,  
Inc.  
Bill Schlaepfer, dba Gering Valley Plumbing & Heating

NOTE: City Manager Cox has reviewed these expenditures and to the best of his knowledge confirms that they are within budgeted appropriations to this point in the fiscal year.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

- The next items on Council's agenda were presentations of proclamations.

Councilman Benzel read the proclamation for YMCA Healthy Kid's Day which follows in its entirety:

### **PROCLAMATION**

**WHEREAS:** The Y is a cause-driven nonprofit committed to strengthening community through youth development, healthy living and social responsibility.

**WHEREAS:** A strong community can only be achieved when we invest in our kids, our health and our neighbors.

**WHEREAS:** YMCAs across the nation are committed to improving the nation's health.

**WHEREAS:** Our children's health is a concern for the whole community; that parents can be the best role models for their kids; and that kids' health habits mirror those of their parents and other adult role models; and children who possess knowledge of and who are taught to practice healthy habits will grow into strong adults, this exciting day is a great time for families and communities to come together to learn more about leading healthier lifestyles.

**WHEREAS:** The Alliance Area Family YMCA is dedicated to providing health and well-being programs and services to the Alliance Area youth and adults; and

**WHEREAS:** Community-based responses are vital to alleviate the growing epidemic of obesity and physical inactivity, particularly among young people.

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**WHEREAS:** YMCA Healthy Kids<sup>®</sup> Day is a national event celebrating healthy living bringing kids and families together to have fun, be healthy, get active and grow together.

**WHEREAS:** On April 11, 2011 the Y will host a family fun carnival to start our celebration of YMCA Healthy Kids Day to encourage kids and families to embrace healthy habits that will bring them a lifetime of good health and Week of the Young Child.

**NOW, THEREFORE, I,** do proclaim that Saturday, April 16, 2011 shall be observed as:

**YMCA Healthy Kids<sup>®</sup> Day**

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed at the City Hall this seventh day of April in the year 2011.

The proclamation was presented to Brenda McDonald and Laurie Kielwitz.

Councilman Gonzalez read the proclamation for Week of the Young Child which follows in its entirety:

**PROCLAMATION**

*Whereas,* the Alliance Public Schools and Early Childhood Advisory Council and Alliance Area Family YMCA are celebrating the Week of the Young Child, April 11-17 , 2011; and

*Whereas,* these organizations are working to improve early learning opportunities, including early literacy programs, that can provide a foundation of learning for children in Alliance, NE; and

*Whereas,* teachers and others who make a difference in the lives of young children in Alliance, NE deserve thanks and recognition; and

*Whereas,* public policies that support early learning for all young children are crucial to young children's futures;

*Now, Therefore,* I, do hereby proclaim April 11-17, 2011 as The Week of the Young Child in Alliance, NE and encourage all citizens to work to make a good investment in early childhood in Alliance, NE.

*In Witness Where,* I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed at the City Hall this seventh day of April in the year 2011.

This proclamation was also accepted by Brenda McDonald and Laurie Kielwitz on behalf of the Y.M.C.A., Alliance Public Schools and Box Butte General Hospital. They informed Council of their Family Fun Carnival event which is being held on April 11, 2011.

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Mayor Feldges read the proclamation for Occupational Therapy Month which follows in its entirety:

### **PROCLAMATION**

*WHEREAS*, The American Occupational Therapy Association has declared the month of April 2011 to be known as Occupational Therapy Month; and

*WHEREAS*, The profession of occupational therapy makes valuable contributions in helping persons master the skills for the job of living after an illness or injury in order to accomplish “living life to its fullest”; and

*WHEREAS*, The services of occupational therapy are available to citizens of Alliance Nebraska through the hospital, schools, clinics, and nursing homes; and

*WHEREAS*, The health and productivity of our citizens depend upon the effective use of health care resources, including the important services of occupational therapist and occupational therapy assistants.

*NOW, THEREFORE*, be it resolved that the City Council of the City of Alliance, Nebraska, does hereby proclaim the month of April 2011 as:

### **OCCUPATIONAL THERAPY MONTH**

And calls upon all citizens to recognize the achievements and contributions of these valued health professionals

*IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 24<sup>th</sup> day of March in the year of the Lord Two Thousand Eleven.

The proclamation was presented to Holly Young and LeighAnn Krammer.

- The next item for Council’s consideration was a request of Bill Podraza to address Council. City Manager Cox provided the following background information:

[Former Alliance citizen and employee Bill Podraza, who is now with the engineering firm Miller & Associates, has requested five minutes to introduce himself and the services of his company.]

Mr. Podraza described the engineering services Miller & Associates were able to provide. Their company is headquartered in Kearney, Nebraska and pride themselves on the quality of work, service, and cost of services they are able to provide.

- A presentation of the 2009-2010 audit was the next item on Council’s agenda. City Manager Cox provided the following background information:

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[Terry Galloway of Almquist, Maltzahn, Galloway & Luth, P.C., will be present to make a presentation to Council concerning the City's financial audit for fiscal year ending September 30, 2010.]

Mr. Terry Galloway appeared before Council and presented an unqualified opinion of the City of Alliance's financial statements which he stated is very good. He informed Council that financially Alliance is in a very good position. Mr. Galloway then reviewed the City's Unrestricted Net Assets/Total Net Assets, Unreserved Fund Balance/General Fund Expenditures, Outstanding GO Debt/Valuation, Debt Coverage Ratio, the top five sources of Revenues – Governmental Activities, Investments, Net Depreciable Capital Assets/Original Costs, Operating Income/Total Operating Revenue, Months Expense in Street Cash Reserve, Levy Rates, State Allocations, and Governmental Expenses. He also provided comparisons between with the previous year and the recommended level for each of the categories.

- The next agenda item was the City Manager's report by J.D. Cox which follows in outline form:

#### Code Enforcement

Putting together a checklist

Could KAB assist us by increasing their role and start sending "nice" letters in addition to weeds & litter letters to address other code deficiencies?

Confirmation of state statute re: height of grass (12" for first nuisance)?

Identifying streamlining methods

Obtain photos of worst properties

Develop spreadsheet of all properties currently known to have deficiencies (include at least - property address, owner, deficiency description, status (any known action), date of notices, date of grace period expiration

Confirm with Council before beginning

Utilize public relations in advance of initiative

#### Attended Planning Conference (Economic Development)

Excellent conference

Why are we doing what we are doing?

Connecting people

Connecting people with people

Connecting people with experiences

Identified creative ways of revitalizing areas

For me, drove home our need for strong planning services

Creative thinking to encouraging development

Planned growth

Ties together all that we currently have going on

Tourism

Community Promotion

Economic Development

Travel & Transportation

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All of these tie together  
 All of these are used to tell a story  
 Story: Experience Alliance

#### Great Lakes Airlines

Tuesday – Eric Lenz, Lynn Placek, Terry Weisgerber

Discussed – Reliability, Ridership, & Experience

Reliability

Stretched too thin

Freeing up crews and planes to better serve customers

Changing routes back to original Chadron-Alliance-Denver (DIA)

Ridership

Expressed interest in working with us – promotion, education

Experience

Expressed interest in assisting us to develop a pleasurable experience in Alliance

Will cross-promote Alliance

#### Purchase of Lot – 12th & Flack

A neighbor to our City owned lot at 12th & Flack has requested to purchase this lot. This lot was a previous location for a City well that has since been capped and sealed. I've had a couple of inquires about this lot and had recommended to sell it in the past. City Council elected to postpone the sale as they were considering this lot for an impound lot. Since then an impound lot was created at the airport.

I'm making the recommendation that we proceed with advertising for the sale of this lot unless there are other issues that would warrant not selling from Council's perspective.

#### Jerry's Barbershop

Interested parties

Recommend selling preferred; lease as secondary

Prepare bid documents

#### Dog Park Followup

Naming Contest

Received a large number of responses

Received a very positive community reaction

How would like to proceed – May 4 earliest?

Would Council like to see a list?

Request - Can Lion's Club sign remain?

Sign

Lion's Club emblem

Sponsoring organization

Providing annual donations – including mulching

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#### Budget

Dept Heads have submitted their proposed goals  
 Dept Heads have submitted their Capital Improvement Plans  
 Working on overall proposed goals  
 During two hours – lots of materials to cover  
 April 14 Meeting @ 5:00 pm

#### Streetscape

Will discuss budget tonight  
 Apply for Transportation Enhancement – Flack Avenue

#### Highway 385 Project

Public Hearing – May 3

#### City Hall/Building Improvements

Beginning painting work in the upstairs conference room  
 Cleanup around the facility  
 Scrape and repaint outside banister & doors  
 Found an Alliance flag - Credit to Gary Goodell  
 Temporary - Glued carpet back onto steps in front  
 Open House – April 26 – 5:00 p.m. - 7:00p.m.  
     See the progress made (before & after)  
     See what still needs to be addressed  
 Source of pride for the community  
 Complimented Kevin Kubo for all of his hard work on the facility

#### Working with Schools –

Asking Permission for Parking Stalls– 16th Street between school and tennis courts  
     33 car parking area  
     Remove curb stops  
     Remove sidewalk  
     Reduce speed  
     Consider one-way?

#### Fire Department – Chief Shoemaker announced

Donation – Eagle's Auxiliary - \$2500  
 Paint Fire Hydrants  
 Color coded based upon flow rating

#### Annora to set up tours – in May for Council

#### Staffing Issues

Accounting Supervisor (30 applicants)  
 Human Resources Officer (150-200 resumes)  
 Community Development Director/Assistant City Manager

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Children's Librarian  
 Police Officer  
 Public Safety Dispatcher  
 Sallows Museum Employee

Proposed to move Vick Hielscher in to fill vacant "Museum Project Support Clerk" as budgeted 30 hour/week  
 Will work in both the Knight and Sallows Museums  
 Saves the City approx \$7000 budgeted annually  
 Not have schedule hours at either facility  
 Report to the C&LS Director

Expressed his appreciation to the Finance staff and Larry Miller, as he was the Interim City Manager for their work in preparing for the Audit

#### Upcoming Events

Employee Potluck Luncheon – April 8  
 Economic Development Tour – April 27 & 28  
 Heartland 385 Expressway Public Meeting – May 3

Following the presentation Councilman Kusek requested a complete listing of all of the donors of the dog park facility.

- An overview of financing options for various City projects was the next item for Council's review. City Manager Cox provided the following background information:

[In follow up of our March 10 meeting regarding the Downtown Revitalization/Streetscape as well as the electrical CODY Substation financing, I have had a number of conversations with our financial advisor, Craig Jones of D.A. Davidson. Below is an investment portfolio financial summary as well as cost estimates for the two different projects. As shown below, the City currently has approximately \$11.5 million in unrestricted and unreserved funds.

### CITY OF ALLIANCE INVESTMENT PORTFOLIO

February 28, 2011

	CHECKING	CD'S	MONEY MKT	TOTAL
FIRST NATIONAL BANK	\$ 7,265,077.40	\$5,679,078.88	\$ -	\$ 12,944,156.28
BANK OF THE WEST	\$ 26,671.89	\$1,247,764.30	\$ 664,265.20	\$ 1,938,701.39
GREAT WESTERN BANK	\$ -	\$1,560,971.89	\$ 419,488.95	\$ 1,980,460.84
WELLS FARGO	\$ -	\$ -	\$ 1,434,555.77	\$ 1,434,555.77
GRAND TOTAL	\$ 7,291,749.29	\$8,487,815.07	\$ 2,518,309.92	\$ 18,297,874.28

FUNDS AVAILABILITY	AVAILABLE	RESERVE	RESTRICTED	TOTAL
INVESTMENTS	\$ 5,799,382.56	\$1,861,378.81	\$ 3,345,363.62	\$ 11,006,124.99
CHECKING	\$ 5,688,783.15	\$ 359,091.60	\$ 1,243,874.54	\$ 7,291,749.29
GRAND TOTAL	\$ 11,488,165.71	\$2,220,470.41	\$ 4,589,238.16	\$ 18,297,874.28

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**SUMMARY****Downtown Revitalization/Streetscape**

Option 1: Original Scope/Cost Estimate	\$1 million	(Proposed)
Option 2: Scope-1 <sup>st</sup> thru 6 <sup>th</sup> & Side Streets; 3 <sup>rd</sup> St	\$2.3 million	(Optional)
Option 3: Box Butte 1st to 6th (side to alleys)	\$3.2 million	(Optional)
Option 4: Box Butte 1st to 6th (side to streets)	\$3.9 million	(Optional)

**Electric (CODY) Improvements**

Option 1: Original Scope – CODY Substation	\$1.4 million	(Approved)
Option 2: System Reliability Improvements	\$1.6 million	(Optional)
Option 3: Options 1+2 (Original & System Reliability)	\$3.0 million	(Optional)

**Electric Improvements /CODY**

Substation:	\$	1,408,000	
Engineering:	\$	92,000	
Insurance:	\$	(280,500)	
Net:			\$ 1,219,500
RICE Compliance	\$	160,000	
Grand Total			\$ 1,379,500

Note: We have also now received another \$47,000 insurance payment in addition to the above.

**Questions/followup:**

How much does the General Fund still owe the Electric/Others?

*Of the \$799,478 that was borrowed from Electric for the swimming pool, \$555,524 has been repaid. This leaves a balance of \$243,954. In addition, the Electric Fund has loaned other funds, and those loans now have a balance of \$44,263.*

Can we fund the Streetscape with funds other than Electric?

*Invested Reserves that are Available and Unrestricted are as follows:*

<i>Electric</i>	<i>\$4,700,386</i>
<i>Water</i>	<i>\$ 645,489</i>
<i>Sewer</i>	<i>\$ 119,527</i>
<i>General</i>	<i>\$ 333,981</i>
<i>Total Unrestricted and Available:</i>	<i>\$5,799,382</i>

Instead of 100% of the funding coming from the Electric Fund, can the project be broken down and paid for by other funds as well?

*In the Original scope, of the total \$1.3 million, \$969,388 was to come from the City (rounded to \$1 million).*

*By strictly following each project task, and by also appropriately distributing the contingency and project management, the following funds could be used:*

<i>Electric</i>	<i>\$239,108</i>
<i>Water</i>	<i>\$ 56,462</i>
<i>General</i>	<i>\$673,818</i>
<i>Total City Contributions – Funds:</i>	<i>\$ 969,388</i>

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How are sales tax revenues doing?

*As was shown during my report at the last meeting, the City's sales tax revenues are doing quite well. The first five months of fiscal year 2011, have brought in a total of \$748,548, while the same period one year ago was \$607,167. At this rate, sales tax revenues will total approximately \$1.8 million for the year; we had budgeted \$1.6 million.*

What is owed on the fountain loan?

*There is currently \$83,216.24 owed on the fountain note at First National Bank. The \$4,328 monthly payments are funded by KENO revenues. Unfortunately, KENO revenues have been low, amounting to what we expect to be \$5000 in the next quarter.*

Ask for comments from the public – published on website, etc.

*This has been completed. Responses were solicited via the City's website. Note the website is not scientific, and allows for unregistered/anonymous visitors to vote as many times as they like. The response via website was mixed. When we checked on Monday (4/4), the responses were 66 in favor, 72 opposed. This compares with the 58 signatures of downtown area folks that signed the petition.*

What is the cost of lighting for Box Butte – 1<sup>st</sup> to 6<sup>th</sup> and 3<sup>rd</sup>: Laramie to Niobrara

<i>Option 1: Box Butte 3<sup>rd</sup> to 5<sup>th</sup> (no sides)-</i>	<i>\$1 million</i>
<i>Option 2: Box Butte 1<sup>st</sup> to 6<sup>th</sup> (no sides)-</i>	<i>\$2.3 million</i>
<i>Option 3: Box Butte 1<sup>st</sup> to 6<sup>th</sup> (side to alleys) -</i>	<i>\$3.2 million</i>
<i>Option 4: Box Butte 1<sup>st</sup> to 6<sup>th</sup> (side to streets)-</i>	<i>\$3.9 million</i>

*These estimates include: additional sidewalk, curb and gutter, historic lighting amongst others.*

Does the 10% tax credit for downtown still apply to Historic Downtown grant?

*It is the understanding of the folks from Main Street that this would still apply – and specifically, to personal property.*

What all have we purchased with the Hotel Occupation Tax?

*Since the fund's inception we have expended about \$26,000 (predominantly for advertising with Nebraska Life and the Alliance Times-Herald)*

*We currently have \$44,894 unexpended*

*Last year we budgeted for \$40,000 in revenue; we received approximately \$45,000*

*We have \$8,500 left to pay this year for future Nebraska Life advertisements*

*A brochure will run about \$3,000*

*Printing 100,000 copies may run up to \$8,000*

*Placing brochures in certified folder rack around the state and region will run about \$12,000, which would be an annual cost.*

Why take out a bond for CODY/Electric if we have cash reserves?

*This will be Craig Jones' main topic*

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*City budget is in “solid condition.”*

*Currently have a 58% cash reserve in Electric*

*May be able to utilize some cash reserves and still maintain a strong cash reserve*

*May not be able to implement all projects/options contemplated with cash and maintain reserves*

*Another consideration comes from the very low interest rates*

*Craig will further explain on Thursday*

Note:

The intent of the discussion with Craig Jones is to hear his commentary/advice and have a discussion to hopefully reach consensus on how to proceed. Note that we do have this tentatively scheduled for the April 14 Council meeting, including a follow up on the Streetscape and CODY Electric Substation project.]

Craig Jones of D.A. Davidson & Co., addressed Council and presented an overview of the Enterprise & Sales Tax Funds for 2007, 2008, and 2009. He then reviewed Project Financing Options for the following four projects: Cody Substation for \$1.4 million; Cody Substation and electric reliability issues for \$3 million; Streetscape 3<sup>rd</sup> – 5<sup>th</sup> Street for \$1 million (685K bond); and Streetscape 1<sup>st</sup> – 6<sup>th</sup> Street for \$3 million and \$3.3 million.

Following the presentation City Manager Cox asked Council how they would like to proceed and if they would like staff recommendations. The consensus of Council was to move forward with the electric recommendation and the streetscape will be discussed at the next regular meeting on April 14, 2011. Councilman Kusek stated he was not comfortable with the figures provided for the electric reliability issue. City Manager Cox reported the \$1.6 million figure was an estimate and would not be determined until a study had been completed. A study will have a three month turn around for completion following Council approval. The study should cost \$17,000 and Council instructed staff to proceed with getting the study initiated and that approval of the study did not need to come back to Council for approval.

- Resolution No. 11-48 authorizing the City to enter into an Authorized Provider Agreement with the American Red Cross – Greater Nebraska Panhandle Chapter for a swimming lesson program was the next item for Council’s review. City Manager Cox provided the following background information:

[The City has a long-standing arrangement with Red Cross to provide the program for swimming lessons. This year’s agreement brings a \$5 increase in fees. The price for students had been \$25 and will now be \$30. The City has also offered a fee-reduced rate of \$5 which will now be \$10.

Red Cross appears to be the “only show in town” for providing swimming lesson training program. Also, this is not a money-maker for the City, but is an important service provided to our citizens and merely passes along these costs.]

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Motion by Councilman Yeager, seconded by Councilman Benzel to approve Resolution No. 11-48 which follows in its entirety:

**RESOLUTION NO. 11-48**

*WHEREAS*, The City of Alliance owns and operates a municipal swimming pool where swimming lessons are conducted; and

*WHEREAS*, The American Red Cross Greater Nebraska Panhandle Chapter desires to work with The City of Alliance to provide American Red Cross certified swimming lessons in the City of Alliance, Nebraska; and

*WHEREAS*, The American Red Cross Greater Nebraska Panhandle Chapter has provided an Authorized Provider Agreement to the City for consideration; and

*WHEREAS*, The American Red Cross Greater Nebraska Panhandle Chapter has increased the fees to provide the services under the Authorized Provider Agreement; and

*WHEREAS*, Staff has reviewed the Authorized Provider Agreement including the changes in the fees and recommends that the Agreement be approved and that the City fees for American Red Cross Swimming lessons be increased by Five and No/100ths Dollars (\$5.00) to cover the increased costs to the City; and

*WHEREAS*, The City Council finds it is in the public interest of the citizens of Alliance to provide swimming lessons to Alliance's youth; and

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the City Manager is authorized to execute the Authorized Provider Agreement with the American Red Cross Greater Nebraska Panhandle Chapter for and on behalf of the City of Alliance.

*BE IT FURTHER RESOLVED* that staff is authorized to increase the fees charged for swimming lessons from Twenty Five and No/100ths Dollars (\$25.00) to Thirty and No/100ths Dollars (\$30.00) for full price students and from Five and No/100ths Dollars (\$5.00) to Ten and No/100ths Dollars (\$10.00) for reduced fee eligible students.

Councilman Benzel inquired how the reduced rate was applied. Cultural and Leisure Services Director Brown stated the City followed the same guidelines as the reduced lunch program with the schools.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Kusek, Benzel, Gonzalez.

Voting Nay: None.

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Motion carried.

- The next item to be discussed by Council was Resolution No. 11-49 awarding the purchase of a 2011 Class IV ARFF Vehicle to Oshkosh Corporation of Appleton, WI. City Manager Cox provided the following background information:

[On March 28, a committee of Jeff Wolfe of MC Schaff, Chief Troy Shoemaker and Public Facilities Director Eric Lenz conducted a bid opening for the new Aircraft Rescue Fire Fighting truck for the Airport. Three bids were received: Oshkosh Corporation (\$539,099), E-One, Inc (\$544,314), and Rosenbauer America (\$560,119).

All three bids were valid and accepted. The low bid from Oshkosh at \$539,099, is well below the estimate of \$785,000 by our engineers (MC Shaff). The committee referenced above is recommending approval of the low bid from Oshkosh, and I concur with their recommendation.

The proposed resolution also is made contingent upon approval by the Federal Aviation Administration and the Nebraska Department of Aeronautics.]

Motion by Councilman Kusek, seconded by Councilman Gonzalez to approve Resolution No. 11-49 which follows in its entirety:

#### **RESOLUTION NO. 11-49**

*WHEREAS*, The City of Alliance has received bids for a new Class IV Aircraft Rescue and Firefighting (ARFF) vehicle for the Alliance Municipal Airport and the City intends to obtain Federal funds for the project in the amount of 95% of the project amount;

*WHEREAS*, The City of Alliance as a sub-recipient of Federal Aid funding is charged with the responsibility of expending said funds in accordance with Federal Aviation Administration (FAA), State and local laws, rules, regulations, policies and guidelines applicable to the funding of the project;

*WHEREAS*, M.C. Schaff, as engineer for the City sent out three Invitations to Bid and received three bids with the lowest, reasonable, responsive, bidder being Oshkosh Corp., of 3100 N. McCarthy Road, Appleton, Wisconsin for a current production year, Striker Class IV Aircraft Rescue and Firefighting (ARFF) vehicle at the cost of Five Hundred Thirty Nine Thousand Ninety Nine and No/100ths Dollars (\$539,099.00); and

*WHEREAS*, The Alliance Airport has the funds in its' budget for the authorized expenditure; the Federal Government will share in the cost of the purchase and Council believes that it is in the best interest of the City to approve the purchase of a new Class IV Aircraft Rescue and Firefighting (ARFF) vehicle; and

*WHEREAS*, The City of Alliance and Oshkosh Corporation, 3100 N. McCarthy Rd., Appleton, Wisconsin, desire to enter into an Equipment Purchase Agreement to provide one new (Current Production Year) Class IV ARFF Vehicle.

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*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the City hereby accepts the bid proposal of Oshkosh Corporation, 3100 N. McCarthy Rd., Appleton, Wisconsin, in the amount of \$539,099.00 for FAA Project No. 3-31-0003-15. This acceptance shall be contingent upon approval from the Federal Aviation Administration and the Nebraska Department of Aeronautics.

*BE IT FURTHER RESOLVED*, that the amount of funds due under this Agreement without any modifications is Five Hundred Thirty Nine Thousand Ninety Nine and No/100ths Dollars (\$539,099.00).

*BE IT FURTHER RESOLVED*, that the Mayor is authorized to sign the contract for and on behalf of the City of Alliance following approval from the Federal Aviation Administration and the Nebraska Department of Aeronautics.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

- Resolution No. 11-50 authorizing the purchase of five new self contained breathing apparatus units for the Fire Department was the next item to be presented to Council. City Manager Cox provided the following background information:

[In this year's budget, the City set aside \$27,500 for the replacement of five sets of Self-Contained Breathing Apparatus (SCBA). This group of five is intended to be the first of a three purchase plan to replace a total of fifteen City owned SCBA's.

Chief Troy Shoemaker went out for bids for the same for both departments in a combined bid, and received bids back from three firms for both the City's as well as the ARFPD's. The bids received were from: FireGuard (\$44,068), MES (50,539) and Fyr-Tek (\$52,492.33). Chief is recommending that the low bid from FireGuard for \$44,068 for both sets of SCBA gear be accepted, along with a voice amplifier for each set at (\$277.12 each, or \$2,771.20 for all ten), bringing the grand total \$46,839.80. The City's portion to be \$23,419.90 (well under the \$27,500 budgeted). These items are payable from the 42-37-37-59-950 fund.]

Motion by Councilman Benzel, seconded by Councilman Gonzalez to approve Resolution No. 11-50 which follows in its entirety:

#### **RESOLUTION NO. 11-50**

*WHEREAS*, The City of Alliance Fire Department had on their capital improvements for the third quarter of 2011, the purchase of some self contained breathing apparatus (SCBA) units; and

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*WHEREAS*, The Alliance Fire Department desires to replace a total of 15 Self Contained Breathing Apparatus units over a three year period of time; and

*WHEREAS*, The City of Alliance sent out four Invitations to Bid and received three bids for the Self Contained Breathing Apparatus units; and

*WHEREAS*, The lowest, reasonable, responsive bidder was FireGuard of Omaha Nebraska for five new MSA Fire Hawk M7 4500 SCBA's with clear command voice amplifier for the cost of Twenty Three Thousand Thirty Four and 30/100ths Dollars (\$23,034.30); and

*WHEREAS*, The bid from FireGuard of Omaha Nebraska met the bid specifications and will permit the Fire Department to issue individual masks to every fire fighter on the fire department; and

*WHEREAS*, The Alliance Fire Department has the funds in its budget and Council believes that it is in the best interest of the City to approve the purchase of five new MSA Fire Hawk M7 4500 SCBA's with clear command voice amplifier.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the Mayor be and hereby is authorized to enter into a contract for the purchase of five new MSA Fire Hawk M7 4500 SCBA's with clear command voice amplifier from FireGuard of Omaha, Nebraska, said contract being in the amount of Twenty Three Thousand Thirty Four and 30/100ths Dollars (\$23,034.30).

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

- The next matter before Council was Resolution No. 11-51, a Revised Program Agreement for the Emerson Avenue improvements. City Manager Cox provided the following background information:

[This is the continuation of steps necessary for both the Emerson & Potash projects. For some reason, rather than just revising the existing contract, the Nebraska Department of Roads completely canceled the previous agreement and reissued a new one. Therefore, the proposed resolution will rescind the previous agreement and authorizes the new agreement. The old Potash and Emerson contracts were the second revision of an original NDOR/City contract relating to the project being programmed into the State Surface Transportation Program (STP). The new Potash and Emerson contracts are the third revision of said contract. This third revision of the Program Agreement, adds and clarifies RC responsibilities.]

Motion by Councilman Gonzalez, seconded by Councilman Kusek to approve Resolution No. 11-51 which follows in its entirety:

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**RESOLUTION NO. 11-51**

*WHEREAS*, The City of Alliance as a Local Public Agency (LPA) is developing improvements and repairs for Emerson Avenue between 18<sup>th</sup> Street and 25<sup>th</sup> Street; and

*WHEREAS*, The City of Alliance passed Resolution 10-104 which approved a Program Agreement between the City of Alliance and the Nebraska Department of Roads; and

*WHEREAS*, The Nebraska Department of Roads has informed the City that the previously approved Program Agreement is no longer acceptable and must be superseded in its entirety and replaced by a new LPA Program Agreement – STP Funds; and

*WHEREAS*, The City of Alliance believes that it is in the best interest of the City to attempt to obtain Federal funds to help pay for the repair of Emerson Avenue, and is therefore in the best interest of the City to rescind Resolution 10-104 and rescind the corresponding Program Agreement previously approved by Council with the Nebraska Department of Roads; and

*WHEREAS*, The City of Alliance believes that it is in the best interest of the City to attempt to obtain Federal funds to help pay for the repair of Emerson Avenue and that it is in the best interest of the City to approve the new LPA Program Agreement – STP Funds as is contained in Council packets.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that Resolution 10-104 which approved a Program Agreement between the City of Alliance and the Nebraska Department of Roads is rescinded and the Program Agreement is declared void.

BE IT RESOLVED that the Mayor is hereby authorized to sign the attached LPA Program Agreement – STP Funds between the City of Alliance and the Nebraska Department of Roads.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Kusek, Benzal, Gonzalez.

Voting Nay: None.

Motion carried.

- Resolution No. 11-52, the Revised Program Agreement for Potash Avenue improvements was the next item on Council's agenda. City Manager Cox provided the following background information:

[This is the continuation of steps necessary for both the Emerson & Potash projects. For some reason, rather than just revising the existing contract, the Nebraska Department of Roads completely canceled the previous agreement and reissued a new one. Therefore, the proposed resolution will rescind the previous agreement and authorizes the new agreement. The old Potash and Emerson contracts were the second revision of an original NDOR/City contract

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relating to the project being programmed into the State Surface Transportation Program (STP). The new Potash and Emerson contracts are the third revision of said contract. This third revision of the Program Agreement, adds and clarifies RC responsibilities.]

Motion by Mayor Feldges, seconded by Councilman Benzel to approve Resolution No. 11-52 which follows in its entirety:

**RESOLUTION NO. 11-52**

WHEREAS, The City of Alliance as a Local Public Agency (LPA) is developing improvements and repairs for Potash Avenue; and

WHEREAS, The City of Alliance passed Resolution 10-41 which approved a Program Agreement between the City of Alliance and the Nebraska Department of Roads; and

WHEREAS, The Nebraska Department of Roads has informed the City that the previously approved Program Agreement is no longer acceptable and must be superseded in its entirety and replaced by a new LPA Program Agreement – STP Funds; and

WHEREAS, The City of Alliance believes that it is in the best interest of the City to attempt to obtain Federal funds to help pay for the repair of Potash Avenue, and is therefore in the best interest of the City to rescind Resolution 10-41 and rescind the corresponding Program Agreement previously approved by Council with the Nebraska Department of Roads; and

WHEREAS, The City of Alliance believes that it is in the best interest of the City to attempt to obtain Federal funds to help pay for the repair of Potash Avenue and that it is in the best interest of the City to approve the new LPA Program Agreement – STP Funds as is contained in Council packets.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that Resolution 10-41 which approved a Program Agreement between the City of Alliance and the Nebraska Department of Roads is rescinded and the Program Agreement is declared void.

BE IT RESOLVED that the Mayor is hereby authorized to sign the attached LPA Program Agreement – STP Funds between the City of Alliance and the Nebraska Department of Roads.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

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- The next item for Council's consideration was Resolution No. 11-53 adopting the Disadvantaged Business Enterprise Program. City Manager Cox provided the following background information:

[The FAA requires the City to have a "Disadvantaged Business Enterprise (DBE) program." The program essentially is a non-discrimination program, whereby a local official – Eric Lenz – has been designated as the DBELO (Disadvantaged Business Enterprise Liaison Officer). Based upon a regional study conducted for our area that identified 4 DBE, a 7.5% figure was calculated, but because there were no identifiable DBE engineering firms, the federal government determined that the goal for Alliance is 5.9%. We do not at this time anticipate a negative impact as a result of passage of this measure.]

Motion by Councilman Yeager, seconded by Councilman Kusek to approve Resolution No. 11-53 which follows in its entirety:

### **RESOLUTION NO. 11-53**

*WHEREAS*, The City of Alliance operates the Alliance Municipal Airport; and

*WHEREAS*, The United States Department of Transportation, Federal Aviation Administration, requires that the City of Alliance adopt a Disadvantaged Business Enterprise Program before the City can receive federal funds; and

*WHEREAS*, The City of Alliance has plans to utilize United States Department of Transportation assisted contracts at the Alliance Municipal Airport; and

*WHEREAS*, A proposed Disadvantaged Business Enterprise Program has been provided to the City of Alliance for its review and adoption; and

*WHEREAS*, The Council believes it is in the best interest of the City of Alliance to adopt the proposed Disadvantaged Business Enterprise Program as included in the Council packets.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the Disadvantaged Business Enterprise Program is hereby adopted as the official program of the City of Alliance.

*BE IT FURTHER RESOLVED* that the Mayor is authorized to sign the Disadvantaged Business Enterprise Program for and on behalf of the City of Alliance.

Councilman Kusek pointed out that Section 8 of the Disadvantaged Business Enterprise (DBE) Program needed to be updated to correctly reflect our financial institutions.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Kusek, Benzel, Gonzalez.

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Voting Nay: None.

Motion carried.

- Resolution No. 11-54 authorizing the City to fund an Economic Development/Tourism Tour was the next item for Council consideration. City Manager Cox provided the following background information:

[As was discussed in my report on March 24, 2011, we have been working on putting together an economic development/tourism trip for April 27 and 28, 2011 with several folks from Alliance and Box Butte County. At this time we are expecting to visit Gothenburg, where their entire Economic Development Board is planning to meet us. It is my understanding that they will “pretend” that we are a company that they are recruiting, so that we will get to see what it is that they do. Following the wrap up at Gothenburg, we will head on to Lincoln, where we tentatively (not yet confirmed) meet with Nebraska Main Street folks. The next morning, we will meet with several divisions of the Nebraska Department of Economic Development in Lincoln:

Business Development Division

*Provides assistance to communities with business and economic development programs, offers direct assistance to businesses and represents statewide interest in retaining, expanding and recruiting businesses to the state.*

Community and Rural Development Division

*Provides technical and financial services through community-targeted programs and regional service delivery.*

Travel and Tourism Division

*Provides information and advice regarding tourism. Travel and tourism is considered to be big business and one of the most steadily expanding industries in the national and world economy.*

Following our meeting with the DED, we will depart Lincoln for South Sioux City. South Sioux City has gained statewide notoriety for its economic success that it has built up over the past few years. City Administrator Lance Hedquist will greet us in his City, will conduct a presentation for us concerning their strategies and will then provide us with a tour of their successful businesses and area.

Although we are requesting an authorization of a not-to-exceed \$7000, I anticipate the actual costs to be under \$5000. A full accounting of not only expenses, but of experiences and outcomes, will be provided following the trip. We are proposing in the resolution that the trip expenses be payable from the Hotel Occupation Tax Fund, as there is currently \$44,894 unexpended funds, plus the anticipated increase with the recent Council approval of the increase to 6% that went into effect April 1, 2011. I believe the timing of this trip could not be more perfect with all of the discussions and developments that are currently underway.]

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Motion by Mayor Feldges, seconded by Councilman Kusek to approve Resolution No. 11-54 which follows in its entirety:

**RESOLUTION NO. 11-54**

WHEREAS, The City of Alliance desires to encourage and promote tourism and economic development in the City of Alliance and Box Butte County; and

WHEREAS, The City of Alliance desires to explore techniques and learn strategies from other Cities and Governmental Agencies to develop and encourage tourism and economic development; and

WHEREAS, The City of Alliance desires to consider ideas and options to expand tourism and economic development and consider their applicability to the City of Alliance; and

WHEREAS, Staff has contacted The City of Gothenburg, South Sioux City and the Nebraska Department of Economic Development and both of the Cities and the Business Development Division, the Community and Rural Development Division and the Travel and Tourism Division of the Nebraska Department of Economic Development have agreed to meet with representatives from the City of Alliance and review options and strategies that could be implemented to encourage and support tourism and economic development in Alliance; and

WHEREAS, Staff has contacted approximately twelve individuals who are citizens of Alliance including some members of staff and have tentatively scheduled a trip to Gothenburg, Lincoln and South Sioux City; and

WHEREAS, Staff has contacted Denver Coaches and received information on the cost of having Denver Coaches provide a vehicle and driver to transport the representatives from Alliance on the tourism and economic development trip; and

WHEREAS, Staff has tentatively made reservations for contingency to stay at the Holiday Inn in Lincoln, Nebraska and has obtained the cost for the necessary rooms; and

WHEREAS, The City of Alliance will need to provide the cost of travel expenses including meals for the individuals who will be attending this tourism and economic development tour; and

WHEREAS, Staff is requesting that Council approve the tourism and economic development tour, authorize Staff to hire Denver Coaches to provide transportation; contract with Holiday Inn in Lincoln for overnight accommodations and authorize the expenditure of not to exceed Seven Thousand and No/100ths Dollars (\$7,000.00) for travel expenses for the tourism and economic development tour; and

WHEREAS, Staff is requesting that Council approve expenses up to the 2011 per diem rates as established by the U.S. General Services Administration; and

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WHEREAS, Staff is requesting that Council authorize the expenditures for the tourism and economic development tour to be paid out of the revenues generated from the Hotel Occupation Tax.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that City Manager J.D. Cox be and hereby is authorized to finalize the arrangements for a Tourism and Economic Development Tour to be scheduled for April 27 and 28, 2011.

BE IT FURTHER RESOLVED, that is authorized to enter into a contract with Denver Coaches to provide the transportation for the Tourism and Economic Development Tour.

BE IT FURTHER RESOLVED, that City Manager J.D. Cox is authorized to enter into a contract with Holiday Inn in Lincoln, Nebraska to provide overnight accommodations for all of the individuals who will be going on the Tourism and Economic Development Tour.

BE IT FURTHER RESOLVED, that City Manager J.D. Cox is authorized to pay for the reasonable and necessary travel expenses using the U.S. General Services and Administration rates of Meals and Incidentals of Forty Six and No/100ths Dollars (\$46.00) per day and Lodging of Seventy Seven and No/100ths Dollars (\$77.00) per day.

BE IT FURTHER RESOLVED, that the authorized travel expenditures for the tourism and economic development tour shall not exceed Seven Thousand and No/100ths Dollars (7,000.00).

BE IT FURTHER RESOLVED, that the expenses for the Tourism and Economic Development Tour shall be paid out of the revenues received from the Hotel Occupation Tax.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Kusek, Benzal, Gonzalez.

Voting Nay: None.

Motion carried.

- The Fourth Quarter Financial Report was the next agenda item.

Motion by Councilman Kusek, seconded by Councilman Gonzalez to accept the Fourth Quarter Financial Report as presented.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Kusek, Benzal, Gonzalez.

Voting Nay: None.

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Motion carried.

- The last item on Council’s agenda was a board resignation.

Motion by Mayor Feldges, seconded by Councilman Kusek to accept the resignation of Dede DeVeny from the A-2 Downtown Improvement Board.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

- Mayor Feldges stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 9:05 p.m.”

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Fred Feldges, Mayor

(SEAL)

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Linda S. Jines, City Clerk