

April 14, 2011

# ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, APRIL 14, 2011

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

The Alliance City Council met in a Regular Meeting, April 14, 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 April 7, 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 14, 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 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 Benzel, seconded by Councilman Kusek to approve the Consent Calendar. City Manager Cox requested the removal of his mileage reimbursement claim within the Community Development Fund. The motion was restated to include the removal of the claim as requested.

### CONSENT CALENDAR – APRIL 14, 2011

1. Approval: Minutes of the Regular Meeting, April 7, 2011.
2. Approval: Payroll and Employer Taxes for the period March 19, 2011 through April 1, 2011 inclusive: \$169,076.16 and \$12,025.78 respectively.

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3. Approval: Claims against the following funds for the period April 4, 2011 through April 11, 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; \$81,207.53.
4. Approval: The issuance of a Cemetery Certificate to Joseph H. Ryan for Lot One (1) and Lot Two (2), Section Four (4), Block Twenty-eight (28), Fourth Addition to the Alliance Cemetery.
5. Approval: The issuance of the following Contract licenses:

General Contractor:	Kenneth L. Wood, dba K L Wood & Co. Sampson Construction Co. Javier Corona, Sr., dba Corona & Son Construction Morey Cade, dba West Plains Co. Freddie Serda, dba L/S Contractors Weston Mobile Mix, LLC Paul Lockhart, dba Rising Star Construction, Inc
Limited & Specialty:	Virgil Kohler, dba Kohler Underground Sprinklers Lee Anderson, dba Wildcat Roofing Leo Tritle, dba Tritle Plumbing Jason Tritle, dba Tritle Plumbing Mark Leonard, dba Bullseye Fire Sprinkler
Gas Fitter:	Kenneth L. Wood, dba K L Wood & Co.
Journeyman Plumber:	Curt Plooster, dba Plooster Water, Inc.
Master Plumber:	Steve Hessler, dba CST Mechanical, Inc. Jason Richard, dba CST Mechanical, Inc.
Master Plumber & Gas Fitter:	Leo Tritle, dba Tritle Plumbing Jason Tritle, dba Tritle Plumbing Oswaldo R. Beraun, dba Beraun's Plumbing & Heating Company
Repair & Maintenance:	Urbano Moreno, dba Moreno Construction

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 presentation of two proclamations were the next items on Council's agenda. Councilman Benzel read the proclamation for Arbor Day which follows in its entirety:

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## Proclamation

*WHEREAS*, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

*WHEREAS*, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

*WHEREAS*, Arbor Day is now observed throughout the nation and the world; and

*WHEREAS*, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

*WHEREAS*, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

*WHEREAS*, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

*WHEREAS*, Trees are a source of joy and spiritual renewal; and

*WHEREAS*, The City of Alliance has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways,

*NOW, THEREFORE*, the City Council of Alliance, Nebraska, does hereby proclaim April 29, 2011 as:

### ARBOR DAY

in the City of Alliance, Nebraska, and I urge all citizens to support efforts to care for our trees and woodlands and to support our City's community forestry program; and

*FURTHER*, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

*IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 14<sup>th</sup> day of April in the year of the Lord Two Thousand Eleven.

The proclamation was presented to Park and Tree Board Members Jim Joule, Miriam Bowen and Virgil Hatch.

Councilman Gonzalez read the proclamation for Drinking Water Week which follows in its entirety:

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## Proclamation

*WHEREAS*, Water is our most valuable natural resource; and

*WHEREAS*, Only tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and

*WHEREAS*, Any measure of a successful society – low mortality rates, economic growth and diversity, productivity, and public safety – are in some way related to access to safe water; and

*WHEREAS*, We are all stewards of the water infrastructure upon which future generations depend; and

*WHEREAS*, Each citizen of our community is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues.

*NOW, THEREFORE*, I Fred Feldges, Mayor of Alliance, do hereby proclaim May 1 through 7, 2011 as:

### Drinking Water Week

*IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 14<sup>th</sup> day of April in the year of the Lord Two Thousand Eleven.

The proclamation was presented to Water Superintendent Mike Hulquist.

- The next agenda item was the City Manager's report by J.D. Cox which follows in outline form.
  - Reported the City had received 84 dog park name entries and that he had requested a list of donors who assisted with the construction of the dog park.
  - He has entered into an Agreement for an electric reliability study.
  - Public Facilities Director Eric Lenz will be presenting an Airport Overview at the May 19, 2011 City Council meeting.
  - Draft City goals will be posted on the City's web page for public review.
- The next item for Council's consideration was Resolution No. 11-55 regarding a grant application for the re-codification and electronic publishing of the Alliance Municipal Code. City Manager Cox provided the following background information:

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[Proposed Resolution No. 11-55 would authorize City staff to proceed with the application for a state grant to re-codify our City Municipal Code. The last time we had our city laws and ordinances codified was in 1986.

Although this resolution does not contemplate what firm(s) may or may not be selected, there is little doubt that a recodification of our code would be beneficial, not only because of the access to more up-to-date information, but some firms would provide a detailed examination of each section and would include references and ensure compliance with State law. In addition, the City would be easily able to place the code on the Internet. Finally, a selected firm would be able to send us regular and updated revisions based upon changes in local, state or federal laws.

The grant that we are requesting be applied for is up to \$25,000.]

Motion by Councilman Gonzalez, seconded by Councilman Kusek to approve Resolution No. 11-55 which follows in its entirety:

#### **RESOLUTION NO. 11-55**

*WHEREAS*, The City of Alliance has adopted the Alliance Municipal Code April 2, 1986; and

*WHEREAS*, Council has adopted Ordinances that modified the Alliance Municipal Code as the Council determined was appropriate; and

*WHEREAS*, The Alliance Municipal Code is written in a software application that is no longer used or supported by the City of Alliance; and

*WHEREAS*, The Nebraska State Records Board is sponsoring a grant program for Nebraska Government agencies for the development of programs and technology to improve electronic access to state government information and service; and

*WHEREAS*, Staff is requesting authorization to make application to the Nebraska State Records Board for their grant up to a maximum of Twenty Five Thousand and No/100ths Dollars (\$25,000.00) to re-codify the Alliance Municipal Code; and

*WHEREAS*, The Application for the grant is included in Council packets; and

*WHEREAS*, City Council believes that re-codifying the Alliance Municipal Code is in the best interest of the citizens of Alliance and Box Butte County.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that staff is authorized to make application to the Nebraska State Records Board for their grant up to a maximum of Twenty Five Thousand and No/100ths Dollars (\$25,000.00).

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BE IT FURTHER RESOLVED that if the grant is received the funds will be used to re-codify the Alliance Municipal Code.

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. 11-56 authorizing an Agreement for the Box Butte Avenue Historic Lighting Project. City Manager Cox provided the following background information:

[This resolution would approve an agreement with NDOR to provide federal funding for the lighting portion of the 3<sup>rd</sup> to 5<sup>th</sup> Street portions of Box Butte Avenue. This agreement will reauthorize the previously authorized amount of \$158,807 as the City's portion of the \$446,034 project, which the State has already approved.]

Motion by Councilman Yeager, seconded by Councilman Benzel to approve Resolution No. 11-56 which follows in its entirety:

### **RESOLUTION NO. 11-56**

*WHEREAS*, The City of Alliance as a Local Public Agency (LPA) is developing improvements and repairs for the Historic Lighting on Box Butte Avenue as part of the Streetscape Project; 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 transportation project for the Historic Lighting on Box Butte Avenue as part of the Box Butte Avenue Streetscape Project; and

*WHEREAS*, The City of Alliance understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

*WHEREAS*, The City of Alliance and Nebraska Department of Roads (NDOR) wish to enter into a Project Program Agreement setting out the various duties and funding responsibility for the Federal-aid project as set forth in the 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 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.

*BE IT FURTHER RESOLVED* that the City of Alliance is committed to providing local funds for the project as required by the Project Program Agreement identified as:

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NDOR Project Number ENH-6257(2)  
 NDOR Control Number 51453  
 Box Butte Avenue Historic Lighting

Councilman Kusek asked if the Agreement was only for the two blocks between 3<sup>rd</sup> and 5<sup>th</sup> Streets. City Manager Cox responded that the current Agreement only included the two blocks; to include additional blocks he believes another Agreement will be required.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 11-57 approving action steps for the Downtown Streetscape Project was the next item for Council's review. City Manager Cox provided the following background information:

[At the March 10<sup>th</sup> meeting, the City Council heard a presentation by a number of local folks discussing a multi-faceted downtown revitalization project. It was quite a bit of information to digest in one meeting. However, I believe that it was a very productive and successful meeting.

The biggest and most pressing decision that day was whether the City should apply for a Community Development Block Grant for the sidewalks or for façade improvements.

After consideration, Council did move forward with approving Resolution 11-30, which authorized Item #10 to apply for the CDBG for façade improvements. This way, with the City self-funding the sidewalk improvements, the project could be vastly shortened. The rest of the proposed items were tabled with the idea that we would revisit the matter at later date following a discussion regarding finances.

The discussion regarding finances did occur last week on April 7th with our auditors presenting their very positive report concerning our financial condition. Subsequently, we heard a followup discussion from Craig Jones, the City's financial advisor.

In addition, last week we also conducted a discussion regarding an unrelated Electric System Study to determine what it would take to improve electric reliability. After discussion, Council authorized me to proceed with the Electric Study prior to committing to the full sidewalk project. In addition, Council asked me to bring back those matters which were pressing to the April 14th meeting.

I have listed the following items that I propose we move forward with:

- \* Island removal (City work/Self-funded)

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- \* Approve implementation of site amenities/furniture (BID/Alliance Main Street funded)
- \* Move forward with street light replacement (Grant funded and considered in Resolution 11-56 tonight)
- \* New Christmas lights (Chamber of Commerce funded)
- \* Replacement of stoplight at 4<sup>th</sup> & Box Butte (City work/low cost to replace with stop signs)
- \* Engineering for consideration of final design along with scope options
- \* Approve transfer from Electric Reserve to new Downtown Revitalization Fund

In order to accomplish these near-term items, I would request approval for one of our CD's that is coming due on April 27 in the amount of \$245,000, to be transferred into Box Butte Streetscape Fund (line item #41-61-60-59-970). In doing so, we will remove the funds from the current CD which is earning just 0.45% into a Money Market account. This \$245,000 will cover the following: City's match for NDOR Lighting which was previously approved for \$158,807, Engineering – Design and Cost including expanded scope options and Brickwork for crosswalks and medians.

Below is a summary of what has been authorized, of what we are proposing for April 14th, and what can be addressed at a future date.

#### PREVIOUSLY AUTHORIZED

Authorize Main Street to apply for CDBG Engineering Design Grant for façade improvements (\$30,000 grant/\$7,500 match)

#### PROPOSED FOR 4/14/2011 CONSIDERATION-

Island Removal (City work/Self-funded)

Approve implementation of Site Amenities/Furniture (BID/Main Street funded)

Street Light Replacement (Grant funded)

New Christmas lights (Chamber of Commerce funded)

Replacement of Stop light at 4<sup>th</sup> & Box Butte (City work/low cost to replace with stop signs)

Approve \$200,000 transfer from Electric Reserve to new Downtown Revitalization Fund

Authorize the City Manager to enter into an agreement to Engineer for Design Services – to include preliminary design of expanded scope options

#### FUTURE CONSIDERATION

Approve final scope

Option 1: Box Butte 3rd to 5th (no sides)

Option 2: 3rd Street- Laramie to Niobrara

Option 3: Box Butte 1st to 6th (no sides)

Option 4: Box Butte 1st to 6th (side to alleys)

Option 5: Box Butte 1st to 6th (side to streets)

Approve Sidewalk Replacement (Self-funded)

Authorize City Manager to enter project management and inspection agreements

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Motion by Councilman Kusek, seconded by Councilman Gonzalez to approve Resolution No. 11-57.

An amendment was offered by Councilman Kusek, which was seconded by Councilman Gonzalez to change the wording in the second to the last “WHEREAS” and the last “BE IT FURTHER RESOLVED,” to “City Manager J.D. Cox be authorized to solicit for Engineering Design Services – to include preliminary design of expanded scope options, the selection of site amenities, street lights, Christmas decorations, tree lights, and the purchase of any other necessary equipment or supplies.” Councilman Kusek stated he would like this to come back before Council.

Roll call vote on the offered amendment with the following results:

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

Voting Nay: None.

Motion carried.

#### **AMENDED RESOLUTION NO. 11-57**

*WHEREAS*, The City of Alliance has been provided engineering services for a Streetscape for the downtown area of Box Butte Avenue from 3<sup>rd</sup> Street to 5<sup>th</sup> Street; and

*WHEREAS*, The initial design is completed and staff is requesting direction on what items to include and how to complete the project; and

*WHEREAS*, Council budgeted One Million and No/100ths Dollars (\$1,000,000.00) for Box Butte Streetscape in the capital improvement budget; and

*WHEREAS*, Staff is requesting that Council set the scope of the work, assign the tasks, designate the funding and authorize staff to proceed with some parts of the downtown revitalization; and

*WHEREAS*, Staff is recommending that the downtown revitalization be accomplished in more than one phase; and

*WHEREAS*, Staff is recommending that the downtown islands be removed; and

*WHEREAS*, Island removal and brick street replacement costs will be minimized by City Staff by completing the work in-house; and

*WHEREAS*, The island removal and brick street replacement shall be funded by the City’s Box Butte Streetscape budget line item; and

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*WHEREAS*, Staff is requesting that Council approve the selection of the site amenities including furniture and approve the payment source to be from the Business Improvement Districts (BID) and from Historic Main Street Alliance Program; and

*WHEREAS*, Staff is requesting Council authorize replacement of the street lights, with a specific street light to be selected at a later time and that the street lights be paid out of the funds received from the Nebraska Department of Roads, Transportation Enhancement program and the City of Alliance matching funds to be taken from the Box Butte Streetscape line item; and

*WHEREAS*, Staff is requesting Council authorize the purchase of new Christmas decorations and tree lights which will be chosen by and funded by the Chamber of Commerce; and

*WHEREAS*, Staff is requesting Council authorize the removal of the stop light at 4<sup>th</sup> Street and Box Butte Avenue and replace it with stop signs, where the work will be performed by City employees and funded out of City funds from the Box Butte Streetscape line item; and

*WHEREAS*, Staff is requesting Council transfer TWO HUNDRED FORTY-FIVE THOUSAND AND NO/100<sup>th</sup> from the Electric Non-restricted Reserves to the Box Butte Streetscape budget line item 41-61-60-59-970; and

*WHEREAS*, Staff is requesting that Council authorize the City Manager J.D. Cox be authorized to solicit for Engineering Design Services – to include preliminary design of expanded scope options, the selection of site amenities, street lights, Christmas decorations, tree lights, and the purchase of any other necessary equipment or supplies; and

*WHEREAS*, Staff is requesting City Manager, J.D. Cox be authorized to negotiate and enter into agreement for Engineering Design Services – to include preliminary design and cost estimates of expanded scope options.

*NOW, THEREFORE, BE IT RESOLVED*, that City Staff be authorized to remove the downtown islands and replace with brick street, to be funded from the Box Butte Streetscape budget line item.

*BE IT FURTHER RESOLVED*, that selection of the site amenities including furniture is approved and the site amenities shall be paid for by the Business Improvement Districts (BID) and from Historic Main Street Alliance Program.

*BE IT FURTHER RESOLVED*, that the current street lights shall be replaced with a specific street light to be selected at a later time and that the purchase of the new street lights shall be paid out of the funds received from the Nebraska Department of Roads, Transportation Enhancement program and matching funds from the Box Butte Streetscape budget line item.

*BE IT FURTHER RESOLVED*, that the purchase of new Christmas decorations and tree lights which will be paid for by the Chamber of Commerce be authorized.

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*BE IT FURTHER RESOLVED*, that staff be authorized to remove the stop light at 4<sup>th</sup> Street and Box Butte Avenue and replace it with stop signs with the work being performed by City employees and funded from the Box Butte Streetscape budget line item.

*BE IT FURTHER RESOLVED*, that TWO HUNDRED FORTY-FIVE THOUSAND AND NO/100THS DOLLARS (\$245,000) be authorized to transfer from the Electric Non-restricted Reserves to the Box Butte Streetscape budget line item.

*BE IT FURTHER RESOLVED*, that City Manager J.D. Cox be authorized to solicit for Engineering Design Services – to include preliminary design of expanded scope options, the selection of site amenities, street lights, Christmas decorations, tree lights, and the purchase of any other necessary equipment or supplies.

Rich Otto, 423 Box Butte Avenue addressed Council and reported that Main Street will be contributing \$15,000 to the project and has donated a bench, and the Downtown Improvement Districts will be contributing \$24,600 over the next two years. Eighteen of the benches have been funded with only a few remaining. It is anticipated the benches, trash cans, and bike loops will be installed immediately as they can be moved at a later date.

Roll call vote on amended Resolution No. 11-57 with the following results:

Voting Aye: Feldges, Kusek, Benzel, Gonzalez.

Voting Nay: Yeager.

Motion carried.

- The next item before Council was Resolution No. 11-58 approving an addition to the Class D Liquor License of Fresh Start Convenience Stores, Inc., 610 East 3<sup>rd</sup> Street in Alliance.

Motion by Councilman Benzel, seconded by Councilman Gonzalez to approve Resolution No. 11-58 which follows in its entirety:

### **RESOLUTION NO. 11-58**

*WHEREAS*, The City of Alliance has received a notice and copy of an Application for an Addition to Liquor License submitted by Fresh Start Convenience Stores, Inc.; and

*WHEREAS*, The Alliance City Council has reviewed the application; and

*WHEREAS*, Council considered evidence bearing upon the propriety of the addition to the liquor license; and

*WHEREAS*, The Council determined that it should recommend the Nebraska Liquor Control Commission approve the Application for Addition to Liquor License submitted by Fresh Start Convenience Stores, Inc.

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that the City Council does recommend the Application for Addition to Liquor License submitted by Fresh Start Convenience Stores, Inc., which is located at 610 East Third Street, in Alliance, Nebraska be approved.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Prior to entering into an Executive Session, City Manager Cox reviewed action items requested by Council:
  - Review the City's current credit card program
  - Publicize and distribute the City's Mission Statement and Goals
  - Proceed with Request for Qualifications (RFQ) for Streetscape Engineering.
- The last item on Council's agenda was an Executive Session to discuss a personnel matter.

Councilman Kusek motioned pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943 that the Alliance City Council hold a closed session for the purpose of discussing a personnel matter. The motion was seconded by Councilman Gonzalez. The following individuals were requested to remain for the Executive Session: City Manager Cox, City Attorney Miller, Cultural & Leisure Services Director Brown, and City Clerk Jines.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Gonzalez, Feldges.

Voting Nay: Benzel.

Motion carried.

The closed session began at 8:00 p.m. and ended at 8:45 p.m. No action was taken.

- Mayor Feldges stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:46 p.m."

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Fred Feldges, Mayor

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(SEAL)

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Linda S. Jines, City Clerk