

June 9, 2011

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, JUNE 9, 2011

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

The Alliance City Council met in a Regular Meeting, June 9, 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 June 2, 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 June 9, 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 introduction of the City’s new Finance Director, Randy Waggener.
- The next item for Council’s review was the Consent Calendar.

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

CONSENT CALENDAR – JUNE 9, 2011

1. Approval: Minutes of the Regular Meeting, May 19, 2011 and the Special Joint Meeting, May 24, 2011.

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2. Approval: Payroll and Employer Taxes for the period April 30, 2011 through May 13, 2011 inclusive: \$163,744.34 and \$11,564.00 respectively; and for the period May 14, 2011 through May 27, 2011 inclusive: \$172,336.17 and \$12,196.01.
3. Approval: Claims against the following funds for the period May 17, 2011 through June 6, 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; \$944,829.21.
4. Approval: The issuance of a Repair and Maintenance Contractor License to Charlie Krantz dba Alliance Seamless Gutter.

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.

Councilman Kusek inquired about the Geocomm, Inc. purchases within the Police Administration Fund with Police Chief Kiss responding the equipment is for the upgrade of the mapping program and is being funded through the E-911 funds. Councilman Kusek also asked about the fountain replacement lamps which City Manager Cox stated the City needed to keep them in stock because replacement required the fountain to be drained. The last question asked was by Mayor Feldges regarding the pump repair at the swimming pool. Staff reported the failure of the pump was at the end of last season and we waited to replace the pump closer to the opening of the pool to take advantage of a full warranty period.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

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

➤ **Council Questions Followup**

- Creative Designs Q for \$456.00 – was full amount, but rural to reimburse for half
- Westco fuel purchases – are on contract?
 - No, not yet. We are discussing. We do receive discount.
- Eric:
 - i. List of all road and alley projects;
 - In Process
 - ii. Reheating of Streets
 - Checking
- Mike Bacon: Cost/Benefit Analysis

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UTILITIES

- **Electric Reliability Study**
 - Report on 6/21
- **Electric Department**
 - Westco New Alliance facility: Pulling new underground
 - New tank farms
 - Scale house
 - New Transformer-
 - Ready last week of June
 - Arrive July 10
 - Energized: 3rd week of July

OPERATIONS

- **Property & Casualty Insurance Bids**
 - Will be going out for bids
 - City's Risk Manager, Larry Miller, will be heading up bid process
 - Current insurance expires August 1
 - Interested parties: Wells Fargo (Current), Gregory's, Bank of the West, LARM

COMMUNITY DEVELOPMENT

- **Vision/Mission/Goals – Building the best hometown in America”**
 - Per last meeting, continued to solicit feedback – all positive so far
 - Would like to have on Agenda for 6/21
 - Considerations:
 - School Board (6/20)
 - Chamber (6/9)
 - BBDC (6/8)
 - BBGH
- **Joint Meeting/Luncheon –**
 - **First Meeting - May 24 @ Noon at Knight Museum**
 - City, County Commission , School Board, Hospital, WNCC, Hemingford Village, Hemingford School (not present)
 - Will have lunch served Staff catering
 - Splitting costs with Hospital, Schools
 - Presentation by the EcoDevo Tour Coalition
 - **2nd Meeting – June 28 @ Noon at Knight Museum**
 - Opportunity for Discussion
 - Set date for future meeting
 - Followup on what tools available to bring about high levels of cooperation

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ECONOMIC DEVELOPMENT

➤ **Box Butte Revitalization Project**

- Stop Light – Complete
- Island Removal – Removal to be commenced
 - Center Island - 200 Block Box Butte Avenue:
 - May 23 - 24, remove center islands and select street brick for the development of the crosswalk
 - May 25 - 26, pour concrete where island were to prepare for placement of street brick and pour the concrete ribbons for the crosswalk
 - May 26 - 27, install street brick where center islands were and for the newly developed crosswalk.
- Street Furniture
 - On order (Will arrive shortly before Heritage Days)
- Engineering
- Street Lights – Damaged lights on Box Butte being replaced
- Sidewalk

➤ **West Plains Grain**

- Sent email (6/7/11)-
 - Dates: Planning Commission- 6/14; City Council - 7/7
 - Asking status of LB840 Application
 - Asking if TIF or LB840 funds go toward public road improvements
 - Clarification of use of TIF funding request
 - Updated financial statements

➤ **Lin Pepco**

- FD Chief Issued Temporary Occupancy Permit
- Awaiting more alarms

➤ **Intermodal Transportation**

- Setting up meeting with NDED and Nebraska Trucking Association President
- View Alliance site

TRANSPORTATION

➤ **Airport**

- EAS/Great Lakes
 - Met with staff and Great Lakes concerning service interruptions
 - Working on a completion punch list
- Funding:
 - Noticed that our AARF Truck & Building – now fully funded by State
- Consideration of having an Airport Advisory Group

➤ **Streets & Roads**

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- Eric Lenz to be providing list of street projects
- Alleyway south of City Hall is complete & looks very nice
- New stop sign – 4th & Laramie on the SW corner for eastbound traffic

SALE OF CITY PROPERTY

- **Sale of Lot – 12th & Flack**
 - Larry Miller/Eric Lenz to head-up
 - Time Frame?
- **Sale of Jerry’s Barbershop**
 - Larry Miller/Eric Lenz to head-up
 - Time Frame?

PARKS & PUBLIC FACILITIES

- **Cemetery**
 - Cemetery looked great for Memorial Day
 - Received many compliments
- **Tennis Courts**
 - Started putting in crack sealant
 - Filling low spots within a week
- **Big Blue Bay Pool**
 - Began operations – May 31
 - New diving board – here by mid-July
- **Library**
 - Step replacement scheduled to be completed next week by KL Wood
 - Note: WNCC has expressed interest in participating in project
- **Fountain**
 - pH is high
 - Needing a system (similar to the pool) to control muriatic acid
- **FUTURE TOURS FOR COUNCIL**
 - June 15 @ 3:00 pm – Municipal Hall

BUDGET & FINANCE

- **Budget**
 - New Finance Director on board
 - Working with Casselle to “streamline” revenues posting
 - At next Council meeting establish date for Budget Workshop – Operations

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EMERGENCY SERVICES

- **Hazard Mitigation Plan Update**
 - Required to update
 - Eric contacting our consultant (Lalit Jha (JEO))
 - Anticipate bringing plan to Council in July
- **Fire –**
 - Fire Hydrants – first 48 to be painted
 - Standard colors: Yellow, with R,G,O depending on pressured

OTHER

- **Fireworks**
 - June 21 Consent Calendar –adding new item for Council to approve fireworks
 - Anticipated to occur on July 3rd

STAFFING

- **STAFFING**
 1. Finance Director – Randy Waggener – Complete!
 2. Account Clerk II – Complete! (Anna Jensen)
 3. Tourism Director – Proposed on 6/9
 4. Human Resources Officer - Reviewing Resumes
 5. Police Officer-Michelle Perry – Starting 6/20.
 6. Police Officer-Expecting another vacancy due to resignation
 7. Public Safety Dispatcher- Interviews were this week
 8. Library Page – Vacant
 9. Firefighter/EMT – Previous resignation rescinded
 10. RSVP Clerk – Recommendation in process
 11. Administrative Secretary Utilities Office – Interviews this week
 12. Community Development Director - HOLD
 13. Assistant (to) City Manager - HOLD
 14. Customer Service Clerk I (Anna's previous position) – Vacant
 15. Cemetery Mtce Worker – Vacant; On Hold
 16. Lineman – Vacant; Pending
 17. Seasonal - Complete

CALENDAR

- **CALENDAR RECAP**
 - June 21-22: Air Race Classic
 - June 22-24: NCMA Conference
 - June 30: Fountain Festival (3:00-9:00pm)
 - July 19-24: Heritage Days

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- July 3: Independence Day Celebration

➤ **UPCOMING COUNCIL MEETINGS**

- 6/21 @ 7:00 pm -
 - Adoption of Community Vision, Mission & Goals
 - Parade Request on a State Highway
 - NDOR Program Agreement – (10th Street – Box Butte to Flack Avenues)
 - Electric Reliability Study Results
 - Establish Date for Budget Workshop
- A presentation by City Attorney Larry Miller and Building and Code Inspector Kevin Kubo regarding nuisance abatement was the next agenda item.

City Attorney Miller and Building and Code Inspector Kubo provided City Council with an overview of the current practices in dealing with the (1) abatement of weeds and litter, (2) abatement of trees and shrubs, (3) abatement of junk, (4) abatement of general public nuisances, and (5) abatement of abandoned vehicles. They described the complexities and requirement differences of each for enforcement. They reviewed pictures of examples of violations with Council.

- The next item for Council's consideration was Ordinance No. 2680 amending the 2010-2011 Classification Plan. City Manager Cox provided the following background information:

[We are proposing that a new Tourism Director position be created. As we have for some time been discussing, the City has vacancies in the positions of Community Development Director and Assistant (to) City Manager. The Community Development position maintains two distinct and key responsibilities: 1) Zoning and Code Enforcement; and 2) Planning. City Attorney Larry Miller has been fulfilling the responsibilities of Zoning and Code Enforcement. I propose that, at least for the time being, that these positions remain unfilled and, instead, that we hire a Tourism Director that has promotional duties as well.

The full job description is enclosed in the packet.

The new position will report directly to the City Manager, but will also work closely with the newly established Tourism Advisory Committee.]

Motion by Councilman Kusek, seconded by Councilman Benzel to approve Ordinance No. 2680 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2680

AN ORDINANCE ADOPTING A REVISED CLASSIFICATION PLAN FOR THE CITY OF ALLIANCE, NEBRASKA.

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WHEREAS, Section 16-310 of R.R.S. 1943 authorizes the Mayor and Council to establish the compensation for employees and officers by stating that "The officers and employees in cities of the first class shall receive such compensation as the mayor and council shall fix by ordinance;" and,

WHEREAS, The Alliance City Council adopted the Fiscal Year 2010-2011 Budget which included funds for a revised Classification Plan.

WHEREAS, The City Manager is requesting that a new position be created under the Classification Plan of the City of Alliance.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

SECTION 1. That the Classification Schedule for the City of Alliance dated effective October 2, 2010 is hereby amended and the following stated position is classified as follows:

Job Title	Grade
Tourism Director	102

SECTION 2. This Ordinance shall become effective July 1, 2011.

Motion by Councilman Gonzalez, seconded by Councilman Kusek to suspend the statutory rule requiring three separate readings of Ordinance No. 2680.

Roll call vote to waive the statutory reading with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2680 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Feldges stated, "the passage and adoption of Ordinance No. 2680 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

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- The next item to be discussed by Council was Resolution No. 11-73 approving a Special Designated Liquor License request of the Alliance Jaycees. City Manager Cox provided the following background information:

[The Alliance Jaycees have requested a new site for its beer garden: the parking lot of Bernie's Hardware, located on the Southeast corner of 4th & Laramie.

Typically, such renewals are handled on the Consent Calendar. However, as this year's renewal is actually for a different location, Council will need to specifically authorize the request through this resolution.]

Motion by Councilman Gonzalez, seconded by Councilman Kusek to approve Resolution No. 11-73 which follows in its entirety:

RESOLUTION NO. 11-73

WHEREAS, The City Clerk has received an application of the Alliance Jaycees for a special designated license pursuant to the Nebraska Liquor Control Act; and

WHEREAS, Said act requires the approval of applications by the local governing body prior to such a license being issued by the Nebraska Liquor Control Commission; and

WHEREAS, The application appears to be complete and meet the statutory requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Application for Special Designated License of the Alliance Jaycees for July 20, 21, 22, and 23, 2011 is hereby approved for the premises described in the application, and the City Clerk shall inform the Nebraska Liquor Control Commission of the approval of the application, and the Clerk shall deliver the license issued by said Commission to the permittee upon receipt of the required fees.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 11-73 authorizing a Non-Exclusive Lease Agreement with the Y.M.C.A. was the next item for Council's review. City Manager Cox provided the following background information:

[Resolution 11-74 represents the culmination of work of ongoing efforts over the past several weeks to put in place an agreement that authorizes the YMCA to use City facilities (gymnasium) for its activities. The agreement puts back in place a formal arrangement for the YMCA to utilize the facility. Specific provisions include a two week

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notice provision should the City wish to hold an event that conflicts with a previously scheduled YMCA event. It also includes language that allows for the cancellation of this agreement with a 30-day notice from the first day of the month should the City wish to use the facility for other purposes.

The term of the agreement is for one year and will automatically renew for five years, barring notice to the contrary by either party.]

Motion by Councilman Benzel, seconded by Councilman Gonzalez to approve Resolution No. 11-74 which follows in its entirety:

RESOLUTION NO. 11-74

WHEREAS, The City of Alliance owns the Municipal Building; and

WHEREAS, The Young Men's Christian Association (YMCA) has requested to be able to lease the gymnasium in the Municipal Building to hold some of their activities; and

WHEREAS, Staff has drafted a Non-Exclusive Lease which is being presented to Council; and

WHEREAS, The existing lease for the gymnasium has expired and the arrangement has continued without a formal lease being in effect; and

WHEREAS, City staff has reviewed the lease and recommends its approval.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that Non-Exclusive Lease with the Young Men's Christian Association for the gymnasium in the Municipal Building is hereby approved, and the Mayor and City Clerk are authorized to execute the lease on behalf of the City of Alliance.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Y.M.C.A. Board Member Clay Fanning thanked the City Council for their approval of the Lease Agreement.

- Resolution No. 11-76 approving an Interlocal Agreement for fire protection was the next item to be presented to Council. City Manager Cox provided the following background information:

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[Resolution 11-76 will renew an Interlocal agreement between the Hemingford Rural Fire Department, Alliance Rural Fire Protection, City of Alliance, and the Village of Hemingford for the purpose of having a Mutual Finance Organization. Continuing this mutual group is required by the State, for the City to have access to state mutual finance/insurance monies. According to Fire Chief Troy Shoemaker, last year the City obtained \$62,835.31 of these funds.]

Motion by Mayor Feldges, seconded by Councilman Benzel to approve Resolution No. 11-76 which follows in its entirety:

RESOLUTION NO. 11-76

WHEREAS, The City of Alliance has considered an Interlocal Agreement pursuant to the authority of the Mutual Finance Assistance Act; and

WHEREAS, In prior years, by motion duly made and adopted, such an Interlocal Agreement has been, approved by and between Hemingford Rural Fire District; Alliance Rural Fire Protection District; City of Alliance, Nebraska; and the Village of Hemingford, Nebraska; which provides for an agreed property tax rate of .03395 for purposes of the Mutual Finance Organization created by such Agreement; and

WHEREAS, The name of the Mutual Finance Organization is Box Butte Fire Protection Mutual Finance Organization.

NOW, THEREFORE, BE IT RESOLVED, that the Interlocal Agreement referenced herein is adopted and approved by the City Council of the City of Alliance, Nebraska.

BE IT FURTHER RESOLVED that the City of Alliance's representative to the Joint Board created by said Agreement shall be Troy Shoemaker, and the alternate shall be J.D. Cox.

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. 11-77 regarding the Amended Blighted and Substandard Study. City Manager Cox provided the following background information:

[At the previous Council meeting, the Governing Body approved sending a Blighted and Substandard Study to the Planning Commission for recommendation concerning the West Plains Grain project. Unfortunately, West Plains made a mistake concerning the legal description.

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After meeting with the City Attorney, we agreed that it would be best handled by sending the matter back before the Council for approval to forward.]

Motion by Councilman Yeager, seconded by Councilman Kusek to approve Resolution No. 11-77 which follows in its entirety:

RESOLUTION NO. 11-77

WHEREAS, It is desirable and in the public interest that the City of Alliance, Nebraska, a municipal corporation and City, undertake and carry out urban redevelopment projects in areas of the City which are determined to be blighted and substandard and in need of redevelopment; and

WHEREAS, Chapter 18, Article 21, *Neb. Rev. Stat.* (Reissue 2007), as amended, known as the Community Development Law, (the "Act") is the Urban Renewal and Redevelopment Law for the State of Nebraska and prescribes the requirements and procedures for the planning and implementation of urban redevelopment projects; and

WHEREAS, The City in accordance with the laws of the State of Nebraska applicable to cities has duly prepared and approved a general plan for the development of the City known as its Comprehensive Plan, all as required by Section 18-2110 of the Act; and

WHEREAS, The City has received an amended study by Stahr and Associates recommending that certain properties described in the study qualify for declaration by the City as a blighted and substandard area as defined in said the Act; and

WHEREAS, Section 18-2109 of the Act, as amended, require that, prior to the declaration of such area as a blighted and substandard, the governing body of the City shall submit the question of whether such area is blighted and substandard to the Alliance Planning Commission for its review and recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City Clerk shall forward the amended study prepared by Stahr and Associates, a copy of which is attached hereto as Exhibit "A-2" to the Alliance Planning Commission for its recommendation and review as to whether the property described in the study should be declared blighted and substandard as defined by the Act.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Kusek, Gonzalez.

Voting Nay: None.

Abstaining: Benzel

Motion carried.

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- The last item on Council's agenda was a board appointment. City Manager Cox provided the following background information:

[At its May meeting, the City Council appointed Ellen Christensen and Heather Hauptmann to the Museum Board. In addition, we have now received a resignation by Karen Gray from the same board. Council now has before it a letter of interest from Tom Price for this new vacancy.]

Motion by Councilman Benzel, seconded by Councilman Gonzalez to accept the resignation of Karen Gray from the Museum Board and to appoint Tom Price to her unexpired term which ends May 31, 2012.

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 8:30 p.m."

Fred Feldges, Mayor

(SEAL)

Linda S. Jines, City Clerk