

June 21, 2011

# ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, JUNE 21, 2011

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

The Alliance City Council met in a Regular Meeting, June 21, 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 14, 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 21, 2011 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Feldges, Council Members Kusek, Benzel, and Gonzalez. Also present were City Manager Cox, City Attorney Miller and City Clerk Jines. Councilman Yeager arrived at the meeting at 7:37 p.m.

- Mayor Feldges read the Open Meetings Act Announcement.
- Motion by Councilman Benzel, seconded by Councilman Gonzalez to excuse the absence of Councilman Yeager.

Roll call vote with the following results:

Voting Aye: Benzel, Gonzalez, Feldges.

Voting Nay: None.

Abstaining: Kusek.

Motion carried.

June 21, 2011

- Mayor Feldges offered congratulations to Kayla Batt, the new Miss Nebraska.
- City Manager Cox introduced our employees Melinda Baumgartner, Administrative Secretary at the Utility Facility and Michelle Perry, Police Officer; and announced the promotion of Anna Jensen as our new Account Clerk II in the Finance Office.
- The next item for Council's consideration 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 21, 2011**

1. Approval: Minutes of the Regular Meeting, June 9, 2011.
2. Approval: Payroll and Employer Taxes for the period May 28, 2011 through June 10, 2011 inclusive: \$183,309.94 and \$13,080.14 respectively.
3. Approval: Claims against the following funds for the period June 6, 2011 through June 17, 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; \$399,608.50.
4. Approval: Request of the Alliance Jaycees to conduct the public fireworks display at Laing Lake on July 3, 2011 for the Independence Day celebration. The City has received the State Fireworks Permit and the required Certificate of Insurance.
5. Acknowledgement: Receipt of the Annual Report of the Public Library Board Foundation of Alliance, Inc.
6. Approval: The issuance of the following contractor licenses:

General Contractor	Shaun Houchin dba Clau-Chin Construction
Repair & Maintenance	Darrell Barber dba Apex Roofing & 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, Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

June 21, 2011

- Rich Otto, President of the A-2 Downtown Improvement Board and also representing Historic Main Street and the Chamber of Commerce, reported on the progress of the streetscape furniture project. The fundraising project was so successful that they were able to purchase 26 trash receptacles instead of 24, and 37 benches instead of 26. Ninety percent of the funds have been collected at this point in time and they are still hoping to have the furniture in place for Heritage Days.
- The next agenda item was the presentation of the Storm Ready Community Award. City Manager Cox provided the following background information:

[Fire Chief Troy Shoemaker has been advised that the City of Alliance is being awarded the designation of “Storm Ready Community” by the National Weather Service. Steve Apfel (Meteorologist In Charge) and John Griffith (Warning & Coordination Meteorologist) from that National Weather Service in Cheyenne will both be in attendance to make the presentation.]

Mr. Apfel and Mr. Griffith presented Fire Chief Troy Shoemaker with a sign designating the City of Alliance a “Storm Ready Community” and thanked him for his commitment to the safety of Alliance.

- Electric Superintendent Larry Heinrich presented Council with the Preliminary Electric Reliability Study results. Kevin Groves from West Plains Engineering is planning to attend the July 7 Council meeting to fully explain the results. Mr. Heinrich presented the following:

[On Tuesday June 14<sup>th</sup> I again met with Kevin Groves, P.E. to discuss the progress and findings of the Electric Reliability Study that his company West Plains Engineering Inc. is doing for the City. Accompanying this Memo is a preliminary report of their findings and recommended changes to our system that they feel confident in making at this time. In doing their study and modeling map they have used information supplied by the City, Olsson & Ass. and other technical firms that have tested and/or worked on our substations. Unfortunately the information that the City and Olsson could supply was not as complete as Kevin assumed it would be having worked with several other utilities on the same type of study. The information we could supply concerning Emerson and Broadwater substations was sufficient enough to make some preliminary recommendations. The information from Cody plus the upcoming complete rebuild of that substation makes it very difficult for them to make what they would consider accurate recommendations for the circuits and areas served by that substation. They have made some very preliminary and I stress the point very preliminary for the Cody substation.

As you read this report you will not see any recommendations for major work at the substations themselves as the engineer is aware of the work that has been planned or is already underway to improve the substations.

I believe this study is going to supply significant information to help us improve our electrical system. With that said this is the type of study that needs to be ongoing.

June 21, 2011

Everything we do to our system will affect the model and the proposed recommendations of how we should coordinate our system. This study while supplying us with this great information now needs to be continued and further refined to supply us with even better operating parameters for the future.

The engineer and I agree that the existing contract is between 90-100% complete. But I am going to encourage continued relationship with West Plains Engineering to further define and improve the operating model.]

- Councilman Kusek made a motion to move Item H – Resolution No. 11-79 – Animal Shelter Landscaping Donation as the next item before the City Manager’s Report. The motion was seconded by Councilman Benzel.

Roll call with the following results:

Voting Aye: Benzel, Gonzalez, Feldges, Kusek.

Voting Nay: None.

Motion carried.

- Resolution No. 11-79 regarding a donation for landscaping at the Alliance Animal Shelter was the next item for Council’s review. City Manager Cox provided the following background information:

[Representatives from the Alliance High School cheerleading squad will be present to offer and to request permission to landscape in front of the Animal Shelter. Their plans include flower pots in front of the facility and touching up the painting. The PAWS (Providing Animals with Shelter) group is planning to pay for the materials.

I have discussed this matter with Chief Kiss, and he is agreeable to accepting the donation. However, it is my experience that even the most well-meaning and well-intentioned groups often times will lose interest after a period of time. I think it is very possible that the City will at some point inherit the care the flowers/landscaping that is put into place. This is probably not a “show-stopper” for the City, but I wanted to make sure that everyone has a full understanding and expectations.]

Motion by Councilman Kusek, seconded by Councilman Gonzalez to approve Resolution No. 11-79 which follows in its entirety:

#### **RESOLUTION NO. 11-79**

WHEREAS, The City of Alliance owns and operates the Animal Shelter; and

June 21, 2011

WHEREAS, The Alliance High School Cheerleaders and the Providing Animals With Shelter (PAWS) Group have requested to donate the labor and materials to landscape the animal shelter; and

WHEREAS, The PAWS Group will purchase:

1. Landscaping material to lay on the ground around the shelter,
2. Rock to cover the landscaping material,
3. Large flower pots with flowers which will be placed on the rocked area; and

WHEREAS, The PAWS Group desires to replace the tarp for the small caged area on the west side of the animal shelter and to find rail road ties to place in the dog run area.

WHEREAS, The Alliance High School Cheerleaders will provide the labor to prepare and landscape the areas around the animal shelter; and

WHEREAS, The City Council believes it is in the best interest of the City of Alliance to accept the donation from the Alliance High School Cheerleaders and the Providing Animals With Shelter (PAWS) Group.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the donation of the landscaping labor and materials for the animal shelter are accepted by the City of Alliance.

Roll call vote with the following results:

Voting Aye: Feldges, 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:

- The City is currently bidding our Property & Casualty Insurance
- The next Joint Meeting between the area governmental agencies will be noon, Tuesday, June 28, 2011 at the Knight Museum
- The City is in the process of recruiting a Tourism Director with interviews schedule for Friday, July 1<sup>st</sup>. The Tourism Task Force will be participating in the interview process.
- Provided an update on the Box Butte Avenue Revitalization Project. Moving forward with the island removal in the 200 block.

June 21, 2011

- The West Plains Grain project will be before Council at the July 21<sup>st</sup> meeting. We are still waiting for additional information from the company regarding LB 840 funds and the TIF funding request.
- Lin Pepco has been issued the final Occupancy Permit
- Proceeding with the intermodal transportation project
- Working on increasing activity at the Alliance Airport
- Reviewed streets and road projects
- Continuing to work with Upper Deck on Municipal Building improvements
- Recapped staffing issues
- Review upcoming calendar items
  - June 21 & 22 Air Race Classic
  - June 22-24 NCMA Conference
  - June 28 Joint Meeting of the Governmental Agencies
  - June 30 Fountain Fest
  - July 3 Independence Day Celebration
  - July 19-24 Heritage Days

- The next item to be discussed by Council was Resolution No. 11-75 adopting the Community Vision, Mission and Goals. City Manager Cox provided the following background information:

[This resolution represents the culmination of several weeks of efforts to craft vision of the future for our community. With Council's approval and blessing, we will move forward in earnest to develop a series of objectives and activities to assist our community in creating this future. Endorsements have either been received or are expected from: Alliance Chamber of Commerce, Box Butte Development Corporation, Box Butte General Hospital, Alliance Public Schools, and Box Butte County.]

Motion by Councilman Kusek, seconded by Councilman Gonzalez to approve Resolution No. 11-75.

Representatives Dixie Nelson and Vickie Maddox of the Chamber of Commerce and John McGhehey of Box Butte Development Corporation addressed Council and reiterated their support of the Community Vision, Mission and Goals.

Motion by Councilman Gonzalez, seconded by Councilman Kusek to amend Goal No. 6 to read "To revitalize the downtown and other business corridors."

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

June 21, 2011

AMENDED RESOLUTION NO. 11-75

WHEREAS, The City of Alliance desires to establish a high standard of trust, loyalty and service to the citizens and visitors of Alliance; and

WHEREAS, The establishment of a Community Vision, a Community Mission and Community Goals are beneficial to planning for and working to obtain a better future; and

WHEREAS, The City Council has received recommendations for adoption of a Community Vision, Community Mission and Community Goals, and the Council believes that it is in the best interest of the City to adopt the proposed vision, mission and goals.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the following are adopted as the official Community Mission, Community Vision and Community Goals of the City of Alliance:

**COMMUNITY VISION:**

**To build the best hometown in America.**

**COMMUNITY MISSION:**

**ALLIANCE: (əli'əns) To merge the efforts and interests of all to create a sense of community that celebrates all it has to offer.**

**COMMUNITY GOALS:**

1. To build excellence throughout the organization and community;
2. To create a fun and entertaining place to live and to visit;
3. To improve the community's aesthetic appeal;
4. To foster a community-wide sense of pride and confidence;
5. To provide outstanding service to our residents;
6. To revitalize the downtown and other business corridors;
7. To explore opportunities of community improvements;
8. To ensure reliable utilities for all customers;
9. To connect citizens and visitors to one another and to places of interest by developing all modes of transportation;
10. To develop the community as a desirable place to live through safety and protection where people can enjoy the freedom of rural life;
11. To develop opportunities for the community's young people;
12. To expand tourism;
13. To develop sustainability;
14. To aggressively seek economic opportunities;
15. To communicate/educate the public with website and social networking;
16. To restore and maintain city facilities to be a source of community pride;
17. To develop Alliance as a regional hub by exploring and developing inter-modal transportation opportunities.

June 21, 2011

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 11-80 regarding the Heritage Days Parade was the next item to be presented to Council. City Manager Cox provided the following background information:

[The 2011 Heritage Days Parade was previously approved by Council. However a new state law (LB589) now requires that if a parade occurs on a state highway (such as ours does on 3<sup>rd</sup> Street), that the City formally acknowledge the responsibility and duties necessary for conduct of the parade and closure of the state highway.]

Motion by Councilman Benzel, seconded by Councilman Gonzalez to approve Resolution No. 11-80 which follows in its entirety:

#### **RESOLUTION NO. 11-80**

*WHEREAS*, The Alliance Chamber of Commerce annually conducts events celebrating “Heritage Days”; and

*WHEREAS*, The Heritage Days Committee of the Alliance Chamber of Commerce has requested street closures and traffic direction restrictions to facilitate Heritage Days events; and

*WHEREAS*, The Nebraska Legislature has passed LB 589 which requires that the City make application to the Nebraska Department of Roads and meet certain requirements including but not limited to:

- 1 The Roadway is located within the official corporate limits or zoning jurisdiction of the City of Alliance.
- 2 The City of Alliance shall have the legal duty to protect the highway property from any damage that may occur arising out of the special event and the State of Nebraska shall have no such duty during the time the City is in control of the property as specified in the notice provided as required under LB 589.
- 3 Any existing statutory or common law duty of the State to protect the public from damage, injury, or death shall become the duty of the City of Alliance while the City makes use of the state highway system for the special event and the State shall not have such statutory or common law duty during the time the City is in control of the property as specified in the notice provided as required under LB 589.
- 4 The City of Alliance to be able to use the state highway system for a special event must formally, by City Council action, acknowledge that the City accepts the duties set forth

June 21, 2011

above and that if a claim is made against the State, the City shall indemnify, defend and hold harmless the State from all claims, demands, actions, damages and liability, including reasonable attorney's fees, that may arise as a result of the special event.

*WHEREAS*, Staff has considered the request to use the State of Nebraska Highway System for the Heritage Day Parade and has determined that the proposed route on 3rd Street from Black Hills Avenue east to Mississippi Avenue from 9:45 a.m. Saturday, July 23, 2011 until completion of the parade, is on Highway 2 that is located within the City limits.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the City of Alliance does hereby formally acknowledge and affirm that the City of Alliance has and does hereby accept the following responsibilities:

1. The City of Alliance shall have the legal duty to protect the highway property from any damage that may occur arising out of the Heritage Day Parade and the State of Nebraska shall have not such duty during the time the City is in control of the property as specified in the notice provided to the Nebraska Department of Roads as required under LB 589.
2. Any existing statutory or common law duty of the State to protect the public from damage, injury, or death shall be the duty of the City of Alliance while the City makes use of the State Highway 2 for the Heritage Day Parade and the State shall not have such statutory or common law duty during the time the City is in control of the property as specified in the notice provided to the Nebraska Department of Roads as required under LB 589.

*BE IT FURTHER RESOLVED*, The City of Alliance hereby formally acknowledges and accepts the duties set forth above and agree that if a claim is made against the State, the City shall indemnify, defend and hold harmless the State from all claims, demands, actions, damages and liability, including reasonable attorney's fees, that may arise as a result of the Heritage Day Parade to be held on Highway 2, Saturday July 23, 2011 from 9:45 a.m. until the parade ends but no later than 12:00 noon.

*BE IT FURTHER RESOLVED*, that staff is directed to provide the notice to the Nebraska Department of Roads regarding the use of Highway 2 for the Heritage Day Parade including that the City will assume control of State Highway 2 on July 23, 2011 from 9:45 a.m. and will relinquish control of Highway 2 to the State of Nebraska at the conclusion of the parade but not later than 12:00 noon.

*BE IT FURTHER RESOLVED*, that staff is directed to provide any additional information that may be required by the State of Nebraska.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

June 21, 2011

- The next item to be addressed by Council was Resolution No. 11-78 authorizing an NDOR LPA Program Agreement using STP funds for the reconstruction of 10<sup>th</sup> Street between Box Butte and Flack Avenues. City Manager Cox provided the following background information:

[This resolution represents the beginning stages of this new project. The scope of work, as defined in the preliminary plan, includes approximately 3200 feet from Box Butte Avenue to Flack Avenue.

The 10<sup>th</sup> Street project is estimated to cost approximately \$1.7 million, with the City's share an estimated \$335,500. Due to the length of time to run through the State-required project steps, this project will probably not construct until 2013.

The invitation from NDOR for us to bid this project came about largely due to the efforts of Public Facilities Director, Eric Lenz, in discussing with the State and lobbying for funding. This project also represents the last time we will utilize this complex and drawn-out method for NDOR projects. Future projects will be locally driven.]

Motion by Councilman Gonzalez, seconded by Councilman Benzel to approve Resolution No. 11-78 which follows in its entirety:

#### RESOLUTION NO. 11-78

*WHEREAS*, The City of Alliance is proposing a transportation project for 10th Street, from Box Butte Avenue to Flack Avenue which is approximately 3200 feet long, and the City would like to obtain Federal funds for the 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 responsibilities for the Federal-aid project identified by the NDOR as Project No. URB-6254(7), State Control No. 54190, and named 10<sup>th</sup> St, Box Butte-Flack Ave.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor be and hereby is authorized to sign the attached Project Program Agreement between the City of Alliance and the Nebraska Department of Roads (NDOR).

*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 which is identified by the Nebraska Department of Roads as NDOR Project Number URB-6254(7), NDOR Control Number 54190 and named 10<sup>th</sup> St, Box Butte-Flack Ave.

June 21, 2011

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 11-81 authorizing the Fourth Quarter CIP/CEP purchases was the next item on Council's agenda.

Motion by Councilman Yeager, seconded by Councilman Benzel to approve Resolution No. 11-81 which follows in its entirety:

### **RESOLUTION NO. 11-81**

*WHEREAS*, the City of Alliance annually adopts a Capital Improvements Plan to aid in budgeting and organizing purchasing; and

*WHEREAS*, the City staff has submitted for City Council's review a proposed schedule of capital improvement purchases to be initiated, and in some cases completed, in the fourth quarter of the 2010-2011 fiscal year; and

*WHEREAS*, the City Manager has reviewed and approved the proposed schedule of capital purchases for the fourth quarter of the 2010-2011 fiscal year.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the schedule of capital purchases for the fourth quarter of the 2010-2011 fiscal year, totaling Four Hundred Thousand Five Hundred Twenty-eight and No/100ths Dollars (\$400,528.00) is hereby approved.

*BE IT FURTHER RESOLVED*, that City staff is authorized to proceed with the purchases of the items listed on the following:

Police	Radar Unit (1)	\$1,800.00
Police	Video Camera	\$6,500.00
Police	Body Armor (8)	\$7,160.00
Police	Motorola Mobile Radios (2)	\$3,080.00
Police	Motorola Portables (8)	\$7,208.00
Fire Department	Other Improvements – Fire Station Roof	\$93,000.00
Fire Department	Other Improvements – Overhead Door Mtc.	\$11,500.00

June 21, 2011

Streets	Asphalt Street Chip Seal	\$193,780.00
Streets	Cemetery Road Resurface	\$60,000.00
Streets	Flex-Wing Mower	\$16,500.00

**Total**

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 the acknowledgment of the receipt of a Political Subdivision Tort Claim from Jeff. B. Girard, Jr.

Motion by Councilman Kusek, seconded by Councilman Gonzalez to acknowledge receipt of the Political Subdivision Tort Claim from Jeff. B. Girard, Jr.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The last item on Council's agenda was to establish a date for a Budget Workshop.

By consensus, Council selected July 26, 2011 at 8:30 a.m. as the date to conduct a Budget Workshop.

- Mayor Feldges stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:53 p.m."

---

Fred Feldges, Mayor

(SEAL)

---

Linda S. Jines, City Clerk