

November 3, 2011

## ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, NOVEMBER 3, 2011

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

The Alliance City Council met in a Regular Meeting, November 3, 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 October 27, 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 November 3, 2011 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Feldges, Council Members Yeager, Benzel, Gonzalez and Seiler. 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 Benzel, seconded by Councilman Gonzalez to approve the Consent Calendar which follows in its entirety:

### **CONSENT CALENDAR – NOVEMBER 3, 2011**

1. Approval: Minutes of the Regular Meeting, October 20, 2011 and the Special Meeting, October 18, 2011.
2. Approval: Payroll and Employer Taxes for the period October 1, 2011 through October 15, 2011 inclusive: \$168,922.34 and \$11,966.42 respectively.

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3. Approval: Claims against the following funds for the period October 17, 2011 through October 31, 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; \$1,012,781.08.
4. Approval: Update the roster of the Alliance Volunteer Fire Department by removing Adam Bolek.
5. Approval: Resolution No. 11-130 approving Change Order No. 1 for the Firefighting Tools Contract with Fyr-Tek. The Change Order authorizes the purchase of mounting brackets and hardware for the equipment previously purchased to attach to the ARFF truck. The total cost of the brackets is \$3,463.15 with the City obligated to pay 5% which equals \$173.15.
6. Approval: The Alliance Chamber of Commerce street closure request to conduct their annual "Parade of Lights." The event will be held on Thursday, December 1, 2011 at 6:00 p.m. The parade route will be on Box Butte Avenue starting on 10<sup>th</sup> Street and proceeding south to 3<sup>rd</sup> Street. The actual parade will turn off towards the east on 4<sup>th</sup> Street; however Santa Claus will continue to the 3<sup>rd</sup> Street Mini Park. The Chamber is also requesting use of the 4<sup>th</sup> Street and Niobrara Avenue parking lot for additional activities that evening. Parade traffic will not cross 3<sup>rd</sup> Street but the left hand turning lane off of 3<sup>rd</sup> Street will need to be blocked. The City is in receipt of their Certificate of Insurance.
7. Approval: The issuance of the following Cemetery Certificates:
 

To Robert Lynes the East Half (E ½) of Lot Twelve (12), Section One (1), Block Twenty-two (22), Fourth Addition to the Alliance Cemetery.

To Frank Dye and Wiletta Dye the West Half (W ½) of Lot Thirty-one (31), Section One (1), Block Twenty-two (22), Fourth Addition to the Alliance Cemetery.
8. Approval: The issuance of the following Contractor Licenses:
 

Repair & Maintenance	Robert A. Reuss, Jr., Scott Bolinger, dba Bolinger & Associates
Journeyman Plumber	Roy Rojas, dba Roy's Plumbing, Heating and Cooling

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 Yeager questioned the need to purchase paint from out of town for the Electric Department; and the claim of Mischnick Construction for work done at the Municipal Building which he felt should have been part of the heating installation contract. City Manager

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Cox responded he would research both issues and that whenever possible the City would try to purchase supplies locally.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- A proclamation for National Hospice and Palliative Care Month was the next item on Council's agenda.

Councilman Gonzalez read the proclamation which follows in its entirety:

### **PROCLAMATION**

WHEREAS, Hospice and palliative care offer the highest quality services and support to patients and family caregivers facing serious and life-limiting illness; and

WHEREAS, Hospice and palliative care providers take the time to ask what's important to those they are caring for – and listen to what their patients and families say; and

WHEREAS, Skilled and compassionate hospice and palliative care professionals - including physicians, nurses, social workers, therapists, counselors, health aides, and clergy - provide comprehensive care focused on the wishes of each individual patient; and

WHEREAS, Through pain management and symptom control, caregiver training and assistance, and emotional and spiritual support, allowing patients to live fully up until the final moments, surrounded and supported by the faces of loved ones, friends, and committed caregivers; and

WHEREAS, The provision of quality hospice and palliative care reaffirms our belief in the essential dignity of every person, regardless of age, health, or social status, and that every stage of human life deserves to be treated with the utmost respect and care; and

WHEREAS, Every year more than 1.5 million Americans living with life-limiting illness, and their families, received care from the nation's hospice programs in communities throughout the United States; and

WHEREAS, More than 468,000 trained volunteers contribute 22 million hours of service to hospice programs annually; and

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WHEREAS, Hospice and palliative care providers encourage all people to learn more about options of care and to share their wishes with family, loved ones, and their healthcare professionals.

NOW, THEREFORE, on behalf of the members of the City Council of the City of Alliance, I do hereby proclaim the month of November as:

### National Hospice and Palliative Care Month

and encourage citizens to increase their understanding and awareness of care at the end of life and to observe this month with appropriate activities and programs.

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

- Steps out front of Municipal Hall – Temporarily Covered
- Appreciation Dinners:
  - Individualize and Appreciate service
  - Board members & Volunteer firefighters –
    - All Spouses/Guests
    - December
    - At Museum
    - Council & Leadership Team Invited
  - Employee Appreciation
    - Employees + Spouses/Guest
    - January
    - All employees & spouses
- “Shop Alliance First” Implementation
- WNCC – Course offerings for training onsite, rather than travel required
- Electric Reliability Study
  - Outages over Weekend:
    - Pole on Madison Road
    - Mylar balloon in another location
    - Raptor in rural line
  - Good News – Kevin Groves:
    - Developed a Punch List - Sent to Electric Staff
    - Conduct onsite visit on Monday 11/7
    - Serve as City's advocate in dealing with Olsson & Associates
- Water Well Rehab - 25th & Toluca
  - Budget \$50K
  - Expect: Approx \$35K
- Highway 385 Project
  - LNM Conference Concerns
  - Called NDOR HQ
  - NDOR Sec'y Monty Fredrickson called office
  - 10/31: Conference call Sec'y Fredrickson & City of Alliance

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11/2: Call Dusty Vaughan (Sen Deb Fischer's Office)

Discussed funding

People to meet with:

- Governor
- Transportation Committee Chair
- Revenue Committee Chair
- Appropriations Committee Chair

Argument:

- We don't spend money we don't have
- We don't spend our children's money

Project Costs:

- \$300 Million – Total Project
- \$30 Million - L62A to Alliance

NDOR Needs Assessment Meeting with Transportation Committee  
Sec'y Fredrickson has been working with Governor

➤ Airport

- ARFF Truck delivered
- ARFF Building – Construction underway; Complete by 1/20/12
- Airport Development – Nov 8 @ 10:00 am
- Fly Alliance – Nov 14 @ 10:00 am
  - Focus on Transportation
    - Shuttle Services
    - Car Rental

➤ Auction of Surplus Equipment

Purple Wave – Ends 11/8.

Purchase a reliable vehicle for the Parks Dept

Mike Hulquist heading up online auction

➤ KENO Update

Working; Self-Education

Conference Call with Nebr Cooperative Gov't Commission

Conference Call with LottoNebraska

Future visit to Alliance to visit with businesses regarding implementing

➤ Staffing

1. Community Service Officer - Accepted Resignation of Cy Fryda
2. Firefighter/EMS – Accepted Resignation of Jeremy Brungardt
3. IT Manager - Shari Lund Resignation effective 11/18
4. Administrative Clerk (HR/City Clerk) – PENDING – Closes 10/24
5. P/T Meter Reader – COMPLETE – Barbara Rau
6. Library Adult Services – COMPLETE – Steve Gerth
7. Cemetery Mtc Worker – COMPLETE - Josh Merrill
8. Human Resources Administrative Officer – COMPLETE – Carla Mayhew
9. Water/Sewer Mtc Worker – COMPLETE - Denny Stark

➤ West Plains Grain

Eric met with Barb Keegan to identify locations of work

➤ Visitor's Bureau

Program



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- The next item was a presentation by Police Chief Kiss on the proposed plans for the Police Annex renovation. The following is the written background information which was distributed to Council. Todd Lewis of Bytes Computer also addressed Council regarding the technology needs of the facility.

## [RENOVATIONS

### **511 Niobrara**

Demolition of existing full length wood frame wall which will be the Office of the Chief. Patch area damaged from the removal of the wall.

Removal of one of the doorways and construct in place a full-height wood frame wall to enclose the opening.

The doorway that is removed will be moved to the rear office that has no door.

Replace exterior door with new metal insulated door.

Removal of related plumbing supply, material and devices affected within the project scope.

Removal of related electrical supply, material and devices affected within the projects scope.

Upgrade the existing restroom to be current with ADA standards.

Remove sinks, shelves and cabinets where necessary.

Replace carpeting within the facility and remove old flooring to sanitize and be able to place carpet.

Replacement of outside sign.

### **512 Niobrara**

Demolition of existing full length wall in the lieutenants office.

Patch the area which is damaged for the removal.

Move cabinets and electrical devices affected.

Approximately \$30,000.00

## **TELEPHONE SYSTEM**

### **511 and 512 Niobrara**

The present police department telephone system is outdated and there is no maintenance support. The system is an analog system which is old as the newer systems are digital in nature.

The system that is recommended is the Avaya IP Office Phone system. This will replace all the police department telephone sets in the law enforcement center. The new annex will also get the new telephones. The dispatchers will be able to transfer the calls to the annex.

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We are maintaining our present Qwest lines due to the Viper/ Positron system that is in place. The maintenance contract is in place through the September 2012. Any changes will nullify the system and it is owned by the Box Butte County. All our telephone lines come through the system. The important part of the present system that if there is a total system failure there is a redundancy built in that Alliance calls go to Chadron. Their system comes to us if the same happens. It is recommended by the MIS personnel to go with an ethernet line via a fiber cable.]

- The next item on Council's agenda was a public hearing on the Class D Liquor License Application of Slim's Liquor Liquidators, Inc. City Manager Cox provided the following background information:

[The City is in receipt of an application for a liquor license from James D. Haller for a property located at 432 E 3rd Street. As this would be the first liquor license for Mr. Haller, our process would be to first hold a public hearing and ask for comments either for or against. Following the Mayor closing the hearing, Council may consider Resolution 11-121, which would recommend approval of the liquor license to the Nebraska Liquor Control Commission. Although not for consideration as a part of the application, it is interesting to note that Mr. Haller is a City of Alliance employee, and serves as a landfill clerk in the Solid Waste department.]

Mayor Feldges stated, "Now is the date, time and place to conduct a Public Hearing on the Class D Liquor License Application of Slim's Liquor Liquidators, Inc. to be located at 432 East 3<sup>rd</sup> Street, Alliance, NE. The public hearing opened at 8:01 p.m. James Haller, 101 South Flack Avenue addressed Council and stated he is the owner of the business and requested Council recommend favorably on his request for a Class D Liquor License. Hearing no additional testimony, the Mayor closed the public hearing at 8:03 p.m.

Motion by Councilman Benzel, seconded by Councilman Yeager to approve Resolution No. 11-121 which follows in its entirety:

### **RESOLUTION NO. 11-121**

WHEREAS, The City of Alliance has received a notice and copy of an application for a Retail Class D Liquor License submitted for Slim's Liquor Liquidators, Inc. by James D. Haller, President; and

WHEREAS, The Alliance City Council has held a public hearing as provided for by law within forty-five days after the date of receipt of the notice from the Nebraska Liquor Control Commission with the application; and

WHEREAS, Notice of such hearing was given as provided by law; and

WHEREAS, At such hearing, evidence was received by the Council bearing upon the propriety of the issuance of such license; and

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WHEREAS, The cost of published notice for the application is \$8.50.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that the City Council does recommend the issuance of a Retail Class D Liquor License to Slim's Liquor Liquidators, Inc., to be located at 432 East Third Street, in Alliance, Nebraska.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's consideration was Resolution No. 11-125 awarding the bid for the Library Concrete Rehabilitation Project. City Manager Cox provided the following background information:

[At the last Council meeting (10/20/11), considerable discussion was held concerning the steps at the library, primarily regarding the option to heat the steps and sidewalk area. In the end, it was decided to postpone (table) a decision and to revisit the item when more information regarding the steps could be provided – possibly, a presentation by the company itself that supplies the heating systems.

<The remainder is from the previous narrative>

Also as a follow up to an earlier Council meeting, bids were solicited for the replacement of the steps of the library (Alliance Learning Center). It is my understanding from that previous Council meeting, that consideration of a solution based upon a breakdown of costs was desired. The previous bid received was for a lump-sum to replace the steps and incorporate a heating system. Yet, it was unclear as to how much the heating system was adding to the total cost of the project. In an effort to clearly provide the information requested, staff went about this project to determine what it would cost if we broke apart the project and issued a request for a base bid, plus five alternates.

A total of four Invitations to Bids (ITBs) were issued, but only one formal bid was received. Therefore, incorporated below is a description of the base bid and each of the alternates, along with the bid received for each:

Base Bid:	Steps construction, Hand railings, and Lower Landing	\$12,214.00
Alt #1:	Upper Landing construction	\$ 6,537.00
Alt #2:	Support Columns (upper landing)	\$ 1,200.00
Alt #3:	Support Columns (lower landing)	\$ 1,060.00
Alt #4:	Sidewalk Construction (42 yd <sup>2</sup> )	\$ 4,477.50
Alt #5:	Heating System Installed	\$26,500.00
Total		\$51,988.50

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As is customary, if approved, Resolution 11-125 would provide the authority to approve a change order of up to 5% (\$2,599.42), which would bring the total requested authorization to \$54,587.92. Additionally, a bid bond was furnished. Staff is very concerned about the amount of traffic traveling to the learning center, even during snow and other inclement weather. I refer you to a letter from Shana Brown dated August 17, that is enclosed in your packets.]

Motion by Councilman Benzel, seconded by Councilman Gonzalez to table action on Resolution No. 11-125.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

It is anticipated this matter will be brought back before Council when arrangements can be made for a demonstration of the heating system and references for the product have been provided.

- Resolution No. 11-132 regarding wind energy was the next item for Council's review. City Manager Cox provided the following background information:

[This resolution will renew and reaffirm Alliance's allocation of wind energy, which accounts for 6% of our total energy portfolio, which represents 7MW. This allocation has remained stable for the past few years.

At \$0.051/kWh, this represents the costliest portion of our energy portfolio, while our cost for all energy purchased is \$0.0487/kWh. The cost of wind energy may go up substantially (\$0.091/kWh) if Congress does not renew the wind energy tax credit program.

Our expenditures for wind have been \$266,429 and \$332,298 for the past two years, and is projected to be \$324,395 for this year.]

Motion by Councilman Seiler, seconded by Councilman Gonzalez to approve Resolution No. 11-132 which follows in its entirety:

### **RESOLUTION NO. 11-132**

*WHEREAS*, The City of Alliance has previously agreed to purchase electrical energy generated by wind from the Municipal Energy Agency of Nebraska, hereinafter referred to as "MEAN"; and

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*WHEREAS*, MEAN has made its annual request from the City of Alliance as to how much wind generated energy the City of Alliance desires to purchase of all of the City's energy by October 1, 2012; and

*WHEREAS*, MEAN has requested direction from the City of Alliance as to the percentage of wind generated energy the City of Alliance has determined is reasonable to be included in the base energy which would be included in the MEAN base and incremental rates; and

*WHEREAS*, MEAN has indicated that the cost of wind energy in the future may be more expensive as a result of the possibility that the United States Government may not renew the Federal Production Tax Credit beyond 2012; and

*WHEREAS*, The City of Alliance agrees that it is appropriate to support the development of alternative electricity generation using renewable sources of energy.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the City of Alliance desires to purchase 6% of the City's total energy from wind generated energy by October 1, 2012.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be discussed by Council was Resolution No. 11-133 authorizing a request to the Board of Public Roads Classifications and Standards. City Manager Cox provided the following background information:

[This resolution would relax the minimum standards for the bridge width of the Potash Bridge/Underpass. Currently, the bridge is only 19 feet wide in certain portions, but technical minimal standards require 28 feet from back of curb to back of curb. The good news is that with the work that BNSF has undertaken, will eventually (within a couple of years), bring this bridge into compliance.]

Motion by Councilman Yeager, seconded by Councilman Benzel to approve Resolution No. 11-133 which follows in its entirety:

### **RESOLUTION NO. 11-133**

*WHEREAS*, The City of Alliance is responsible for streets, alleys and roads within the City of Alliance; and

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*WHEREAS*, NDOR Project URB-6263(1) and City Project M-108(161), is located on South Potash Avenue from Kansas Street to 2<sup>nd</sup> Street and has been programmed by the City of Alliance with the Nebraska Department of Roads (NDOR) for Federal Funding; and

*WHEREAS*, Project URB-6263(1) will consist of a 2-inch asphaltic concrete overlay of the existing bituminous surfacing, ADA improvements and replacement of deteriorated curb and gutter for a distance of approximately 2,165 feet; and

*WHEREAS*, The work proposed by this project is classified by the NDOR LPS Manual as a Resurfacing, Restoration and Rehabilitation (3R) project; and

*WHEREAS*, South Potash is classified as an Other Arterial; and

*WHEREAS*, The LPA Manual indicates that since there is no separate minimum design standards for 3R projects on the local road system shown in the Nebraska Minimum Design Standards, the minimum design standards are the same for new construction and reconstruction; and

*WHEREAS*, The Nebraska Minimum Design Standards require roadway projects designated with a “Other Arterial” classification to be designed with 11-foot lanes, 8-foot shoulders, 8-foot fixed obstacle clearance, and full roadway lighting; and

*WHEREAS*, The existing roadway at this location consists of two 9.5-foot lanes, no shoulders, no fixed obstacle clearance, and no lighting underneath the BNSF Railroad tracks for a distance of approximately 200-feet; and

*WHEREAS*, The remainder of the project meets the minimum design standard for an “Other Arterial”; and

*WHEREAS*, Project URB-6263(1) has been designed and construction plans awaiting approval from the NDOR; and

*WHEREAS*, The Board of Public Roads Classifications and Standards has developed a procedure for relaxation of said minimum design standards.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Alliance, Nebraska, hereby requests the Board of Public Roads Classifications and Standards to grant a “Relaxation of Minimum Design Standards” for lane width from 11-feet to 9.5 feet, shoulder width from 8-feet to 0-feet, fixed obstacle clearance from 8-feet to 0-feet and roadway lighting from full to none for Project URB-6263(1) under the BNSF Railroad tracks.

Roll call vote with the following results:

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

Voting Nay: None.

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Motion carried.

- The next item on Council's agenda was a board resignation and several board appointments.

Motion by Councilman Benzel, seconded by Councilman Gonzalez to accept the resignation of Jim Parks from the Alliance Planning Commission.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Benzel, seconded by Councilman Seiler to appoint Renee Wallesen to the A-1 Downtown Improvement Board for a term ending October 31, 2014.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Benzel, seconded by Councilman Gonzalez to appoint Delinda J. Neville and Rich Otto to the A-2 Downtown Improvement Board for terms expiring October 31, 2014.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Due to a couple of scheduling conflicts for the next regular meeting, Councilman Benzel made a motion which was seconded by Councilman Seiler to change the meeting to Monday, November 21, 2011 at 12:00 o'clock noon in the School Administration Building.

Roll call vote with the following results:

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

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 8:45 p.m.”

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Fred Feldges, Mayor

(SEAL)

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Linda S. Jines, City Clerk