

March 8, 2012

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, MARCH 8, 2012

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

The Alliance City Council met in a Regular Meeting, March 8, 2012 at 7:00 p.m., in the Board of Education Meeting Room, 1604 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on March 1, 2012. 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 March 8, 2012 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 Selzer and City Clerk Jines.

- Mayor Feldges read the Open Meetings Act Announcement.
- Brent Kusek was introduced as the newly promoted GIS Analyst.
- The next item on Council's agenda was the Consent Calendar.

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

CONSENT CALENDAR – MARCH 8, 2012

1. Approval: Minutes of the Regular Meeting, February 16, 2012.
2. Approval: Payroll and Employer Taxes for the period February 4, 2012 through February 17, 2012 inclusive: \$179,044.37 and \$12,762.23 respectively.

March 8, 2012

3. Approval: Claims against the following funds for the period February 13, 2012 through March 1, 2012: 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; \$932,569.48.
4. Approval: United Way has requested the closure of 4th Street, between Laramie and Box Butte Avenues on Saturday, May 5, 2012, 3:30 p.m. to 10:00 p.m. The United Way will be sponsoring a Cinco de Mayo Celebration. The street closure is for safety purposes only and nothing will be placed or stored within the street area. A copy of the request along with their Certificate of Insurance has been made part of the packet.
5. Approval of Cemetery Reconveyances:

C.J. and Leona Marsh wish to convey the East Half (E ½) Lot Seventeen (17), Section Nine (9), Block Twenty (20), Third Addition to the Alliance Cemetery to Peter L. Marsh.

Betty Suiter Vogel conveys the South Half of the Northwest Quarter (S ½ - NW ¼) of Lot Nine (9), Section Ten (10), Block Nineteen (19), Third Addition to the Alliance Cemetery to Betty Drumheller, Barbara Suiter and Janice Maddox.

6. Approval: The issuance of the following Contractor Licenses:

General Contractor	John Urwin dba Urwin Enterprises
Repair & Maintenance Contractor	Betty M. Burton dba B & D Rentals, Inc.
Tree Surgeon	Ricardo Garza dba Panhandle Tree Service

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, Benzel, Gonzalez, Seiler.

Voting Nay: None.

Motion carried.

- Mayor Feldges presented a proclamation for Girl Scout Week to several young girl scouts which were in attendance.

PROCLAMATION

WHEREAS, March 12, 2011, marks the 100th anniversary of Girl Scouts of the United States of America, which began in 1912 when Savannah, Georgia, native Juliette “Daisy” Gordon Low gathered 18 girls to provide them the opportunity to develop physically, mentally, and spiritually; and

March 8, 2012

WHEREAS, For 100 years, Girl Scouting has helped build millions of girls and women of courage, confidence and character to make the world a better place; and

WHEREAS, The award winning Girl Scout Leadership Program helps girls discover their true potential and their values, connect with others, and take action to make the world a better place; and

WHEREAS, The Girl Scout Golf Award, the highest honor in Girl Scouting, requires girls to make a measurable and sustainable difference in their community, assess a need and design a solution, find the resources and support to make it happen, complete the project and also inspire others to sustain it; and

WHEREAS, The Gold Award honors leadership in the Girl Scout tradition, and Gold Award recipients have already changed the world as high school students; and

WHEREAS, Core programs around Science, Technology, Engineering and Math (STEM), environmental stewardship, healthy living, financial literacy, and global citizenship help girls develop a solid foundation in leadership; and

WHEREAS, Since its founding in 2000, the Girl Scout Research Institute has become an internationally recognized center for original research, research reviews and surveys that provide significant insights into the lives of girls; and

WHEREAS, Through the dedication, time, and talent of volunteers of different backgrounds, abilities, and areas of expertise, the Girl Scout Program is brought to 19,000 girls in grades K-12 across the State of Nebraska; and

WHEREAS, Today, more than 50 million American women are Girl Scout alumnae, 3.2 million girls and adult volunteers are active members, and Girl Scouts is a member of the World Association of Girl Guides and Girl Scouts, a global movement comprised of more than 10 million girls in 145 countries worldwide.

NOW, THEREFORE, on behalf of the Members of the City Council of the City of Alliance, Nebraska, we do hereby applaud Girl Scouts Spirit of Nebraska and Girl Scouts of the United States of America for their 100 years of leadership and expertise as the voice for and of girls, and proudly proclaim 2012 as “**Year of the Girl.**”

- City Manager J.D. Cox gave his report to Council, which follows in outline form:
 - The water well at 25th Street and Toluca Avenue is back in service.
 - One of the Police Department patrol units has lost its transmission and staff is exploring the possibility of utilizing the transmission of the former fleet vehicle.
 - The City is accepting employment applications for Police Officer, Police Sergeant, and seasonal positions.
 - The construction of the ARRF building is proceeding nicely. It is anticipated to be completed the end of this month.

March 8, 2012

- Staff is currently pursuing the possibility of hosting the State Fly In during 2013 which if successful would coincide with the 70th Anniversary of the Airbase.
 - The City is working with BBDC to be the primary contact to provide assistance with Economic Development (LB840) applications.
 - The City has received \$11,928.59 from our participation in the ACE Program for the sale of natural gas and staff is proposing to use these funds for major improvements at our ballfields.
 - As part of the Building the Best Hometown in America program City representatives met with BNSF Officials. BNSF indicated that Alliance is the “Crown Jewel” in their company.
 - Our next Service Excellence training will take place on Tuesday, March 20, 2012.
 - The employee Chili Cook-off will be on Friday, March 16, 2012.
 - The KCOW Home Show will be Saturday and Sunday, March 17 and 18, 2012 and the City of Alliance will have a booth.
- Deb Dopheide, Executive Director of Keep Alliance Beautiful, presented a report highlighting the first quarter activities for the 2011 – 2012 budget year. City Manager Cox provided the following background information:

[A written copy of the report is included in your packet. It is my understanding that the report goes beyond just a quarterly report, but includes a request for additional funding of \$3,744.18.

City Public Funding for KAB was established in the budget as \$1,000 from the Refuse Fund and \$4,000 from the Community Support Section of the General Fund, for a total of \$5,000. This year’s budget also includes a “Council Recycling Contingency” of \$19,000. As memory serves, at the time of the budget there was concern that KAB may not be receiving much of the grant funding that it had received in the past. However, it is also my understanding, that in fact much of that funding was received.

In discussing the matter with Finance Director, Randy Waggener, we would like to ask Council to provide us with direction on the stipulations for granting requests for accessing this contingency funding.

Items that may be considered:

1. Benefit to City of in lieu of salaries and benefits (in other words, the benefit the City receives from KAB hiring staff, rather than the City having to do so);
2. Value of educational services KAB provides to youth and public;
3. Value of the volume of materials (bales?) kept out of landfill (note: weight may not be a good reflection, as materials such as plastics tend to be more bulky than weighty);
4. Value of the services KAB provides in lieu of its discontinued letter writing to residents in cases of potential code non-compliance;
5. Funding for Special projects not already covered, or paid for, with grant funds;
6. Funding for special equipment needed for collection or distribution of recyclable items.]

March 8, 2012

Deb Dopheide, Executive Director of Keep Alliance Beautiful provided a review of the following Executive Summary for the last quarter of 2011 (the City's first fiscal quarter of our budget):

1. KAB worked with students of all ages on programs reducing waste, primarily recycling and on cleanups in the City of Alliance.
2. KAB celebrated America Recycles Day on November 15 with a variety of programs designed to help citizens in Alliance and Box Butte County.
3. KAB staff wrote several grants during this period, all were successful.
4. KAB purchased a different forklift for the recycling center using a local Mission Store grant and some of the proceeds from the sale of recycling commodities.
5. Staff at KAB is necessary for the education for and promotion of recycling and community improvements such as cleanups. The City of Alliance was presented a budget worksheet in July of 2011 that outlined the costs I would be requesting for the services KAB provides.
6. Value of volunteers during this three month period was \$17,069.97 for 1,174.25 hours.
7. The amount of items recycled between Oct.-Dec. 2011 was 76.15 tons.
8. KAB was able to help the City of Alliance with finding 20 trees to be planted in the City Cemetery at the low cost of \$20.00.
9. Benchmarks included 20 school presentations and 16 community presentations.
10. One school in Alliance and Box Butte County participated in Keep America Beautiful's inaugural Recycle-Bowl in Oct.-Nov. We all know how that turned out! St. Agnes.
11. KAB performed the annual litter index in November. The results were an astounding 1.21 on a scale with a 1 being a perfect score and a 4 being the lowest.
12. The Alliance Public Schools began a recycling program for the #2 milk jugs used during the lunch period at all the schools. Students at the Alternative Education Program deliver these to the KAB recycling center.
13. The KAB recycling center is currently open until 3:00 as a result of the demand for service.

No action was taken by the City Council on the funding request at this time. Staff was instructed to research how and under what conditions funding could be provided by the City of Alliance to Keep Alliance Beautiful.

- The next item for Council's review was Resolution No. 12-19, approving an Agreement for the Sale of Real Estate to Shaun Houchin. Council also considered Ordinance No. 2699, which was before Council on first reading. City Manager Cox provided the following background information:

[On January 19, Council approved the sale of two lots - #3 and #11 – to Shaun Houchin. A map of the requested lots to be purchased is included in your packets.

Today's request includes a request from the same to purchase two additional City residential lots – Lot H, Block 3 (\$6,259) as well as Lot 10, Block 5 (\$4,000) of

March 8, 2012

Lakefield Addition, for a total of \$10,259. Previously, lots #3 and #11 were sold to same individual for \$4,400 and \$4,000 respectively, for a total sale price of \$8,400.

Also, as was mentioned with the previous sale in January, with the sale of this publicly-owned land, in Nebraska there is a required remonstrance period whereby, *“Notice of such sale and the terms thereof shall be published for three consecutive weeks in a legal newspaper published in or of general circulation in such city immediately after the passage and publication of such ordinance.”* If, within thirty days after the passage and publication of this ordinance, a remonstrance petition is signed by at least 30% of the registered voters of the City of Alliance, then the City cannot sell the property for at least one year. Shaun is aware of this 30-day remonstrance period.

Council may wish to consider waiving the additional two readings so that the sale and construction can be expedited.]

Motion by Councilman Benzel, seconded by Councilman Yeager to approve Resolution No. 12-19, which follows in its entirety:

RESOLUTION NO. 12-19

WHEREAS, The City of Alliance owns numerous residential lots within the City; and

WHEREAS, An Agreement for the Sale of Real Estate has been prepared for Shaun Houchin to purchase Lot H, Block 3 and Lot 10, Block 5, Lakefield Addition, an Addition to the City of Alliance, Box Butte County, Nebraska; and

WHEREAS, The City Council established a Uniform Pricing Schedule for the sale of residential lots with the passage of Resolution No. 07-23, and the proposed Agreement for the Sale of Real Estate reflects the proper pricing.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the City is hereby authorized to enter into an Agreement with Shaun Houchin for the purchase of Lot H, Block 3 and Lot 10, Block 5, Lakefield Addition, an Addition to the City of Alliance, Box Butte County, Nebraska.

BE IT FURTHER RESOLVED, that the Mayor is authorized to enter into the Agreement for the Sale of Real Estate in the amount of Ten Thousand Two Hundred Fifty-nine no/100^{ths} Dollars (\$10,259.00).

Roll call vote with the following results:

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

Voting Nay: None.

March 8, 2012

Motion carried.

A motion was made by Councilman Benzel to approve the first reading of Ordinance No. 2699. Councilman Yeager seconded the motion and City Clerk Jines read the Ordinance by title which follows in its entirety:

ORDINANCE NO. 2699

AN ORDINANCE PROVIDING FOR THE SALE AND CONVEYANCE OF LOT H, BLOCK 3; AND LOT 10, BLOCK 5; LAKEFIELD ADDITION, AN ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, ACCORDING TO THE RECORDED PLAT THEREOF.

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

SECTION 1. The City of Alliance has received an offer from Shaun Houchin, to purchase the following described real estate:

Lot H, Block 3, Lakefield Addition, an Addition to the City of Alliance, Box Butte County, Nebraska, in the amount of \$6,259.00.

Lot 10, Block 5, Lakefield Addition, an Addition to the City of Alliance, Box Butte County, Nebraska, in the amount of \$4,000.00.

SECTION 2. The real estate is not used in the operation of public utilities, and is not a state armory for the use of the State of Nebraska or the State Armory, as provided in §16-201 R.R.S. Neb. 1943.

SECTION 3. The City Clerk shall cause notice of this sale to be published as required by law. If, within the time prescribed by law, a legally sufficient remonstrance against the sale has not been filed, the Mayor and City Clerk are by this ordinance authorized to execute and deliver to the purchaser the City's quitclaim deed for the herein described property upon payment of the purchase price provided for herein and in the Agreement for Sale of Real Estate.

Remonstrance against such sale is defined as a petition signed by legal electors of Alliance, Nebraska, equal in number to thirty percent (30%) of the electors voting at the last regular municipal election. Said petition shall be filed with the governing body of the City within thirty days (30) of the passage and publication of this Ordinance. In the event a remonstrance is received which is legally sufficient, said property shall not then, nor within one year thereafter, be sold.

A motion by Councilman Gonzalez, seconded by Councilman Benzel to suspend the statutory rule requiring three separate readings of Ordinance No. 2699.

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

March 8, 2012

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

Voting Nay: None.

Motion carried.

Roll call vote to adopt Ordinance No. 2699 with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Feldges stated, “the passage and adoption of Ordinance No. 2699 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- Ordinance No. 2700, amending the Municipal Code by clearly defining the process for the abatement or removal of accumulated grass, weeds and litter was the next matter before Council. City Manager Cox provided the following background information:

[We have been working with our attorneys for the adoption of a consistent and clear policy that will allow the City to enforce public nuisances and place liens, when necessary, on abated properties. The proposed two ordinances place the procedures into ordinance (rather than a policy), comply with state law, and gives notice of the procedure to our citizens.

In working with our attorneys, the following are highlights of what is accomplished with these ordinances:

1. These ordinances are revisions of only the abatement sections of our already existing ordinance scheme regarding nuisances (specifically 8-301 through 8-307 and 8-401 through 8-406);
2. The ordinances spell out the City’s procedures for giving notice to the landowner and the landowners procedures for requesting a hearing in front of the Board of Health;
3. If due process as provided in the ordinance is given to a landowner, and he/she doesn’t correct the problem, the City can do so. The Administration then bills the owner. If the bill remains unpaid for two months, the Administration forwards information about the costs to Council. This is the first time the Council must become involved;
4. Council then decides whether it wants to levy the cost as a Special Assessment against the lot or real estate worked upon or pursue the landowner in a civil action. These items can be decided at whatever frequency as necessary (e.g. we can hold

March 8, 2012

them for an agenda item on quarterly basis, yearly, etc.; or we can make this decision after each specific instance).]

Motion by Councilman Gonzalez, seconded by Councilman Benzel to approve Ordinance No. 2700 on first reading. City Clerk Jines read the ordinance by title, which follows in its entirety:

ORDINANCE NO. 2700

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ENFORCEMENT AND ABATEMENT OR REMOVAL OF ACCUMULATION OF GRASS, WEEDS, AND LITTER; ESTABLISHING PROCEDURES FOR GIVING NOTICE OF THE NUISANCE AND ALLOWING THE PROPERTY OWNER OR OCCUPANT TO REQUEST A HEARING IN FRONT OF THE CITY'S BOARD OF HEALTH; ESTABLISHING PROCEDURES FOR A HEARING IN FRONT OF THE CITY'S BOARD OF HEALTH REGARDING THE NUISANCE; ESTABLISHING THE CITY'S METHOD OF PROVIDING AN ORDER AFTER THE HEARING; ESTABLISHING THE CITY'S RIGHT TO ABATE AND REMOVE NUISANCES AT THE PROPERTY OWNER'S COSTS; ESTABLISHING THE CITY'S RIGHT TO LEVY AND ASSESS THE COSTS AND EXPENSES OF THE WORK UPON THE LOT OR PIECE OF GROUND SO BENEFITED OR RECOVER THE COSTS AND EXPENSES OF THE WORK IN A CIVIL ACTION; REPEALING EXISTING PROVISIONS OF THE CITY CODE NOT CONSISTENT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Section 8-305 of the Alliance Municipal Code is amended to provide as follows:

8-305. ENFORCEMENT OF ABATEMENT OR REMOVAL OF NUISANCE.

A. Notice Required

Notice to abate and remove the nuisances described in this Article shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the City or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed.

The notice to abate and remove the nuisance (the "Notice") shall:

1. Describe the nuisance with enough detail to allow the owner and occupant, if any, to determine what the nuisance entails and what will effectively eliminate the nuisance;

March 8, 2012

2. Inform the owner and occupant, if any, that, within 5 days of the receipt, publication, or posting of the Notice, as applicable, the owner or occupant may request a hearing with the City's Board of Health by filing with the City Clerk a written request for a hearing;
3. State that if the owner and occupant do not request a hearing, then the owner and occupant are ordered to abate and remove the nuisance or the City may abate and remove the nuisance and the costs and expenses of any such work shall be paid by the owner; and
4. State that if the costs and expenses of the work are unpaid for two months after such work is done, the City may either (a) levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed or (b) recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

B. Hearing

Within 5 days of the receipt, publication, or posting of the Notice, as applicable, the owner or occupant may request a hearing with the City's Board of Health by filing with the City Clerk a written request for a hearing. Upon the Clerk's timely receipt of a request for a hearing, the Clerk shall notify the owner or the owner's duly authorized agent and the occupant in writing of the hearing date. At the hearing, an employee from the City department giving the Notice shall provide evidence of the nuisance to the Board of Health. Thereafter, the Board of Health shall allow all interested persons an opportunity to be heard regarding the nuisance. The Board of Health may consider any information which it deems relevant and shall make a final determination of the existence or nonexistence of the nuisance.

C. Post Hearing Order

If, after a hearing, the Board of Health determines that a nuisance exists, the Board of Health shall, by resolution, order the City Manager to provide the owner and occupant with a letter stating:

1. That a nuisance exists;
2. That the owner or occupant is ordered to abate and remove the nuisance within 5 days of the receipt of the letter;
3. That if the owner or occupant fails to abate and remove the nuisance, the City may abate and remove the nuisance and the costs and expenses of any such work shall be paid by the owner; and
4. That if the costs and expenses of the work are unpaid for two months after such work is done, the City may either (a) levy and assess the costs and expenses of the work

March 8, 2012

upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed or (b) recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

Roll call vote on the first reading of Ordinance No. 2700 with the following results:

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

Voting Nay: None.

Motion carried.

- Ordinance No. 2701, amending the Municipal Code at Chapter 8, Article 4 defining the procedure for the abatement of general public nuisances was the next item for Council's review.

Motion by Councilman Seiler, seconded by Councilman Benzel to approve Ordinance No. 2701 on first reading. City Clerk Jines read the ordinance by title, which follows in its entirety:

ORDINANCE NO. 2701

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ENFORCEMENT AND ABATEMENT OR REMOVAL OF GENERAL PUBLIC NUISANCES; ESTABLISHING PROCEDURES FOR GIVING NOTICE OF THE NUISANCE AND ALLOWING THE PROPERTY OWNER, OCCUPANT, LESSEE, OR MORTGAGEE TO REQUEST A HEARING IN FRONT OF THE CITY'S BOARD OF HEALTH; ESTABLISHING PROCEDURES FOR A HEARING IN FRONT OF THE CITY'S BOARD OF HEALTH REGARDING THE NUISANCE; ESTABLISHING THE CITY'S METHOD OF PROVIDING AN ORDER AFTER THE HEARING; ESTABLISHING THE CITY'S RIGHT TO ABATE AND REMOVE NUISANCES AT THE PROPERTY OWNER'S COSTS; ESTABLISHING THE CITY'S RIGHT TO LEVY AND ASSESS THE COSTS AND EXPENSES OF THE WORK UPON THE LOT OR REAL ESTATE WORKED UPON OR RECOVER THE COSTS AND EXPENSES OF THE WORK IN A CIVIL ACTION; REPEALING EXISTING PROVISIONS OF THE CITY CODE NOT CONSISTENT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Section 8-405 of the Alliance Municipal Code is amended to provide as follows:

8-405. GENERAL PUBLIC NUISANCES; ABATEMENT PROCEDURE.

A. Notice Required

March 8, 2012

It shall be the duty of every owner, occupant, lessee, or mortgagee of real estate in the municipality to keep their real estate free of general public nuisances under this Article. Notice to abate and remove the nuisances described in this Article shall be given to each owner, occupant, lessee, or mortgagee of the real estate by personal service or certified mail. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the City or by conspicuously posting the notice on the lot or real estate upon which the nuisance is to be abated and removed.

The notice to abate and remove the nuisance (the "Notice") shall:

5. Describe the nuisance with enough detail to allow the owner, occupant, lessee, or mortgagee to determine what the nuisance entails and what will effectively eliminate the nuisance; and
6. Inform the person, that, within 5 days of the of the receipt, publication, or posting of the Notice, as applicable, the person may request a hearing with the City's Board of Health by filing with the City Clerk a written request for a hearing.
7. State that if the person receiving the Notice does not request a hearing, then that person is ordered to abate and remove the nuisance or the City may abate and remove the nuisance and the costs and expenses of any such work shall be paid by the owner; and
8. State that if the costs and expenses of any such work is not paid by the owner, the City may either (a) levy the cost as a special assessment against the lot or real estate worked upon; such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments; or (b) collect the cost from the owner of the lot or real estate and enforce the collection by civil action in any court of competent jurisdiction

B. Hearing

Within 5 days of the receipt, publication, or posting of the Notice, as applicable, the owner, occupant, lessee, or mortgagee may request a hearing with the City's Board of Health by filing with the City Clerk a written request for a hearing. Upon the Clerk's timely receipt of a request for a hearing, the Clerk shall notify the owner, occupant, lessee, or mortgagee in writing of the hearing date. At the hearing, an employee from the City department giving the Notice shall provide evidence of the nuisance to the Board of Health. Thereafter, the Board of Health shall allow all interested persons an opportunity to be heard regarding the nuisance. The Board of Health may consider any information which it deems relevant and shall make a final determination of the existence or nonexistence of the nuisance.

C. Post Hearing Order

If, after a hearing, the Board of Health determines that a nuisance exists, the Board of Health

March 8, 2012

shall, by resolution, order the City Manager to provide the owner, occupant, lessee, or mortgagee, or agent thereof with a letter stating:

5. That a nuisance exists;
6. That the owner or occupant is ordered to immediately abate and remove the nuisance;
7. That if the owner or occupant fails to abate and remove the nuisance, the City may abate and remove the nuisance and the costs and expenses of any such work shall be paid by the owner; and
8. That the City may either (a) levy the cost as a special assessment against the lot or real estate worked upon; such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments; or (b) collect the cost from the owner of the lot or real estate and enforce the collection by civil action in any court of competent jurisdiction.

D. Abatement

If the owner, occupant, lessee, or mortgagee fails to abate the nuisance as set forth in the City's order given by the Board of Health, the City may proceed with the work specified in the order. A statement of the costs of such work shall be transmitted to the City Council. The City may either (a) levy the cost as a special assessment against the lot or real estate worked upon; such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments; or (b) collect the cost from the owner of the lot or real estate and enforce the collection by civil action in any court of competent jurisdiction.

SECTION 2. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with the revisions set forth herein are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote on the first reading of Ordinance No. 2701 with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 12-17, a request from the Alliance Housing Authority to waive Payments In Lieu of Taxes (PILOT), in the amount of \$1,431.43 was the next item to be presented to Council. City Manager Cox provided the following background information:

[The City is in receipt of a request from the Alliance Housing Authority (AHA) for

March 8, 2012

waiver of the PILOT payment. This request was approved by Council last year. At the time of this writing, I have received no further information concerning this matter.

AHA has requested a permanent waiver. In the past, Council has required the request to be brought before them on an annual basis and a past staff interpretation also required that AHA receive permission from the various taxing agencies each time the waiver is requested. Our attorneys have looked at this and have opined to us the following two items:

1. Council may wish to not approve the PILOT Waiver as Statute 71-15,123 (6) requires housing agency to charge rent sufficient to pay all payments in lieu of taxes;
2. The payment itself should not have to be separated as it should represent the cost of providing public safety, rescue, and emergency services or roads and street construction or maintenance, which is provided by the City.

The proposed resolution would waive the one-year payment of taxes for the amount of \$1,431.43.]

Motion by Councilman Benzel, seconded by Councilman Gonzales to approve Resolution No. 12-17, which follows in its entirety:

RESOLUTION NO. 12-17

WHEREAS, The City of Alliance has received a request from the Alliance Housing Authority to waive certain payments in lieu of taxes; and

WHEREAS, The City Council finds that it has legal authority to issue such waiver; and

WHEREAS, The City Council finds that such a waiver will benefit the community in allowing more funds to continue to be utilized for low income housing as provided by the Nebraska Housing Agency Act.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the payment in lieu of taxes waiver request of the Alliance Housing Authority in the amount of One Thousand Four Hundred Thirty-one and 43/100ths Dollars (\$1,431.43) is hereby granted for this year only.

Trish Olson, Executive Director of the Alliance Housing Authority appeared before Council and answered questions regarding how the additional funding would be used. Mrs. Olson stated the cost of remodeling one apartment unit is approximately \$20,000.00 and the additional fund would be used for this purpose.

Roll call vote with the following results:

Voting Aye: Feldges, Benzel, Gonzalez, Seiler.

Voting Nay: Yeager.

Motion carried.

March 8, 2012

- The next matter before Council was Resolution No. 12-18 which would approve the revised Alliance Public Library Policies. The primary modification of the existing policies pertains to the availability of the Alliance Public Library meeting rooms during normal business hours of the library. City Manager Cox provided the following background information:

[The following issues driving a proposed change to the times the library meeting room are available have been illustrated by Culture & Leisure Services Director Shana Brown: *“There have been several concerns brought to my attention in regards to the use of the meeting rooms. Library staff has been notified by the Alliance Police Department, WNCC staff and cleaning crews that the building doors have been left unlocked after public meetings. In addition, lights have been left on all night, graffiti has been found on surfaces, damage has been done to the restrooms, and children have been left unattended in the hallways. Keys to the facility have gone missing for days at a time after not being returned after room usage. The library has also sustained damage to the sliding divider panels of the meeting rooms during after-hours meetings.”*

As a result, the Library Board and Director O’Connor are recommending that the meeting rooms be available only when Learning Center staff is in the building and that the damage deposit is adjusted from its current \$25 fee to \$100. The meeting room schedule I am recommending is as follows:

September through April meeting rooms would be available Monday through Thursday from 8:00 a.m. until 7:00 p.m. On Fridays the rooms would be available from 8:00 a.m. until 4:30 p.m.

May through August meeting rooms would be available from 8:00 a.m. until 5:30 p.m. on Monday, Tuesday, and Wednesday. Thursday’s hours would be from 8:00 a.m. until 7:00 p.m. Friday would be 8:00 a.m. until 4:30 p.m.

Saturday’s schedule would be 10:00 a.m. until 1:30 p.m. year round

Finally, we have made arrangements with Library staff that in the unlikely event of the City of Alliance needing to hold a public meeting at the library facility when all the rooms are booked, that Library staff will make arrangements to allow for the meeting, including possibly even using the main area of the library.]

Motion by Councilman Feldges, seconded by Councilman Seiler to approve Resolution No. 12-18.

Councilman Benzel offered an amendment to the proposed resolution to state the new hours will begin in April for those with reservations which were made prior to adoption of the resolution; however the increased deposit will be effective immediately. The proposed amendment was seconded by Councilman Yeager.

Roll call on the proposed amendment:

March 8, 2012

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

Voting Nay: None.

Motion to approve the amendment carried.

AMENDED RESOLUTION NO. 12-18

WHEREAS, The City of Alliance owns and operates the Library Learning Center; and

WHEREAS, Policies for the use of the library are established by the City Council; and

WHEREAS, The Alliance Public Library Board and the Library Director are recommending changes to the Alliance Public Library Policies with regard to the use of the meeting rooms; and

WHEREAS, City Council believes the changes are necessary to keep the building secure and to prevent vandalism.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Alliance Public Library Policies are amended with regard to the use of the meeting rooms.

BE IT FURTHER RESOLVED that the amended Alliance Public Library Policies as proposed shall be effective immediately which includes the increase deposit requirement, with meeting room scheduling as follows:

September through April meeting rooms would be available Monday through Thursday from 8:00 a.m. until 7:00 p.m. On Fridays the rooms would be available from 8:00 a.m. until 4:30 p.m.

May through August meetings rooms would be available from 8:00 a.m. until 5:30 p.m. on Monday, Tuesday, and Wednesday. Thursday's hours would be from 8:00 a.m. until 7:00 p.m. Friday would be 8:00 a.m. until 4:30 p.m.

Saturday's schedule would be 10:00 a.m. until 1:30 p.m. year round.

BE IT FURTHER RESOLVED that reservations made prior to implementation of this resolution for time periods not in conformance with the new hours will be honored through April, 2012. All use of the meeting rooms from May 1, 2012 forward shall comply with the new hours.

Roll call vote with the following results:

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

March 8, 2012

Voting Nay: None.

Motion carried.

- Resolution No. 12-20, approving the purchase of 22 Glock 22 Gen4 .40 cal. handguns from Jack's Uniforms & Equipment of South Sioux City, Nebraska, was the next item on Council's agenda. City Manager Cox provided the following background information:

[In this approved budget was \$10,500 for the reinvestment into twenty-two police handguns. When we bid out the handguns we also asked for a trade-in of our existing guns. I am very pleased to report that not only did the cost of the new purchases come in under budget (low bid of \$409/gun or \$8,998), plus a trade-in of 23 guns (we received one additional from Box Butte County Court) at \$275 each, or \$6,325. As a result, our out of pocket cost for the replacement will be \$2,673.

Summary

Cost:	\$8,998.00
Trade-In:	<u>(\$6,325.00)</u>
Net Cost:	\$2,673.00
Budget:	<u>\$10,500.00</u>
Under	\$7,827.00

This resolution will approve the purchase of the 22 new handguns at a net cost of \$134 each and trade-in the 23 old handguns.

Also, please note that although completely outside the purview of the City of Alliance, in the interest of full disclosure, the old handguns may be available for our officers to personally purchase them through a local licensed gun dealer (Steve Benzel).]

Motion by Councilman Yeager, seconded by Councilman Benzel to approve Resolution No. 12-20, which follows in its entirety:

RESOLUTION NO. 12-20

WHEREAS, The City of Alliance Police Department desires to replace and upgrade the handguns currently in use by the officers of the Department; and

WHEREAS, The City requested quotes for twenty-two Glock 22 Gen4 .40 cal. handguns from four vendors and received quotes from three vendors; and

WHEREAS, The bid from Jack's Uniforms & Equipment of South Sioux City, NE is the lowest responsive, responsible bidder quoting a price of \$409.00 each for a total of \$8,998.00 for twenty-two Glock 22 Gen4 .40 cal. handguns; and

March 8, 2012

WHEREAS, The bid from Jack's Uniforms & Equipment also includes a trade-in allowance of \$275.00 for the twenty-three handguns currently owned by the Alliance Police Department for a total of \$6,325.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the bid of Jack's Uniforms & Equipment of South Sioux City, NE for the purchase of twenty-two Glock 22 Gen4 .40 cal. handguns along with the trade-in allowance for twenty-three handguns be accepted for a net purchase price of \$2,673.00.

BE IT FURTHER RESOLVED that the City Manager is authorized to enter into a contract with Jack's Uniforms & Equipment of South Sioux City, NE for the handgun purchase in the amount of Two Thousand Six Hundred Seventy-three and no/100ths (\$2,673.00).

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. 12-21 approving the donation of a water fountain to be placed within the east side of Laing Lake from the Alliance Parks Foundation. City Manager Cox provided the following background information:

[At the last Council meeting, Park Foundation President Sandy McCarthy presented a request to Council concerning the donation of a fountain to Laing Lake. This resolution reflects the request of the Park Foundation permission to place a fountain in Laing Lake. The Parks Foundation will be present to make the request. Staff has many concerns regarding this proposal.

Following the meeting, Staff has spent quite a bit of time researching and coordinating the requests. The original request included equipment with an underwater pump. Staff recommended, and the Parks Foundation President agreed, to an alternate Kasco Fountain solution that included an alternate propeller-driven solution and is comparable in price. The equipment price of the pump is \$11,955, plus installation of \$2,045.90, for a total cost of \$14,000.90. The proposed resolution includes a donation from the Parks Foundation sufficient to pay \$14,000.90 for the fountain and the installation.]

Motion by Councilman Benzel, seconded by Councilman Seiler to approve Resolution No. 12-21, which follows in its entirety:

RESOLUTION NO. 12-21

WHEREAS, The City of Alliance owns and operates Laing Lake and Park; and

March 8, 2012

WHEREAS, The Alliance Parks Foundation would like to donate a fountain which is propeller driven and initial installation by the fountain supplier within the east side of the lake; and

WHEREAS, The City Council believes it is in the best interest of the City of Alliance to accept the donation from the Alliance Parks Foundation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the donation from the Alliance Parks Foundation of a propeller driven fountain, including installation expenses be accepted by the City of Alliance.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Benzel, Seiler.

Voting Nay: Gonzalez.

Motion carried.

- The last item on Council's agenda was a board appointment.

Motion by Councilman Seiler, seconded by Councilman Gonzalez to appoint Steven Stackenwalt to the Alliance Planning Commission for a term ending December 31, 2014.

Roll call vote with the following results:

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 9:08 p.m."

Fred Feldges, Mayor

(SEAL)

Linda S. Jines, City Clerk