

April 5, 2012

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, APRIL 5, 2012

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

The Alliance City Council met in a Regular Meeting, April 5, 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 29, 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 April 5, 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 Ediger and City Clerk Jines.

- Mayor Feldges read the Open Meetings Act Announcement.
- A motion was made by Councilman Yeager to delay the start of the meeting to 8:15 p.m. to allow citizens to attend religious services this evening. Motion died for a lack of a second.
- City Manager Cox introduced our newest employees: Tanner Littlejohn, Water/Sewer Maintenance Worker I and Tarrah Johnson, Administrative Secretary for Community Development.
- The first item for Council's consideration was the Consent Calendar.

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

CONSENT CALENDAR – APRIL 5, 2012

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1. Approval: Minutes of the Regular Meeting, March 22, 2012.
2. Approval: Payroll and Employer Taxes for the period March 3, 2012 through March 16, 2012 inclusive: \$167,713.86 and \$11,912.15 respectively.
3. Approval: Claims against the following funds for the period March 15, 2012 through March 29, 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; \$971,674.20.
4. Approval: Update the roster of the Alliance Volunteer Fire Department by adding A. J. Bedient and Cody Phillips, and deleting Chris Connot, Morgan Wills and Barry Winter.
5. Approval: The Alliance Parks Foundation is requesting permission to conduct the Alliance Fountain Festival on Thursday, June 21, 2012. The purpose of the event is to raise funds for the Alliance Park Foundation to be used within the park system where needed. The Foundation has previously conducted four successful Fountain Festivals. In addition they are requesting the closure of Niobrara Avenue between 10th and 12th Streets during the event.
6. Approval: The Alliance Parks Foundation and Sallows Military Museum Allies would like to remove and replace the concrete slab on the north side of the Conservatory. The groups have contracted with R & J Industries Plus, Inc. to remove and dispose the existing 12' x 22' slab and replace with a 22' x 44' slab at their expense. This improvement will allow for easy access to the Sallows Conservatory and the Military Museum and keep the water run off away from the buildings.
7. Approval: To enter into a revised Agreement with CenturyLink for phone services throughout the City. The revised Agreement provides for discounted rates over a three year period which will result in a 14% savings which equals \$5,688.72 (\$158.02 monthly).
8. Approval: The issuance of the following Contractor Licenses:

General Contractor	Weston Mobile Mix, LLC, Dale Wood, dba Dale Wood Construction, Inc. Marvel Buettner, dba Buettner Construction Fisher Roofing & Restoration Roger Solberg, dba Cleary Building Corp. Christopher Mischnick, dba Walter Mischnick Contractors & Builders, Inc. Kenneth L. Wood, dba K. L. Wood & Co. KONE
Repair & Maintenance	Robert Ruess, Jr., dba Straight Line Carpentry & Painting

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Gregg Nuss, dba Weathercraft Company
 ABC Seamless
 Terry M. Schank, dba Twin City Roofing & Sheet
 Metal
 Drury Brothers Roofing, Inc.
 Steve Steggs, dba Steve's Repair
 Steve Fehlhafer, dba Fehlhafer Construction
 Rick Ridenour, dba R & A Services
 Dave Knutson, dba Fisher Roofing & Restoration
 Forrest A. Rose, dba Tri-State Roofing
 John A. Powers, dba Rhino Linings of Alliance

Master HVAC, Master Plumber & Gas Fitter

Dennis Meng, dba Merritt, Inc.
 Mark Sitzman, dba Independent Plumbing &
 Heating

Master HVAC & Gas Fitter

Scott Diehl, dba Metal Products Co.

Master HVAC

Rashid Kadir, dba Tessier's, Inc.

Limited & Specialty

Mike Ferguson, dba Ferguson Signs, Inc.
 Thomas Cozad, dba Creative Signs by Cozad
 Ronald F. Lee, dba C & R Plastering
 T. Eric Farrar, dba Rosenbaum's Signs
 Mark Leonard, dba Bullseye Fire Sprinkler

Journeyman Plumber

Thomas Murillo, dba Snell Services
 Randy Burbach, dba Snell Services
 Dominic Murillo, dba Snell Services

Master Plumber

Ralph Burbach, dba Snell Services
 Lon Asselin, dba Snell Services

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.

- The next matter to be addressed by Council was a Conflict Claim, approving the travel

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expense in the amount of \$429.00 for Councilman Benzel to attend the Nebraska League of Municipalities Mid-Winter Conference.

Motion by Councilman Yeager, seconded by Councilman Gonzalez to approve the travel expenses of Councilman Benzel:

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Gonzalez, Seiler.

Voting Nay: None.

Abstaining: Benzel.

Motion carried.

- Consideration of an application for a General Contractor License for Ralph Yeager was the next matter before Council.

Councilman Seiler made a motion which was seconded by Councilman Benzel to approve the application of Ralph Yeager for a General Contractor License.

Roll call vote with the following results:

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

Voting Nay: None.

Abstaining: Yeager.

Motion carried.

- City of Alliance ACE Representative Steve Lyster presented a revenue return check from ACE (Public Alliance for Community Energy) in the amount of \$11,928.59. City Manager Cox provided the following background information:

[The City is in receipt of a payment from our ACE gas purchase program. This year the award totals \$11,928.59, of which \$600 was a travel reimbursement, therefore leaving \$11,328.59. With this amount in mind, we have been working on a joint project between the City and the Old-Timers Ball Association to complete a number of small projects at the Softball Quad-Complex that should result in improvements and usability of the facility.

The objective of these improvements is to increase safety and allow for sanctioned tournaments, thereby increasing traffic and visitors to our community.

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- A. Sidewalk City
 - The fields are not currently handicap accessible and contain and rock pathway; a sidewalk will be installed, per our plan, next month;
- B. Scoreboard Repair – SW Field
 - Is in need of repair
- C. Dugout Top/Protection Old-Timers
 - NW Field, SW Field – Currently the dugouts offer no head protection as the fencing only reaches chest-high; the Old-Timer Association has agreed to take on the upgrade of the dugouts.
- D. Crowning of Ballfields City
 - The ballfields have become “sunken” and are in need of being recrowned. Priority Order: NW, SE, NE, & SW (if they can’t be crowned, at least reset bases)
- E. Netting- Overhead Protection
 - Currently there is no protection from foul balls offered for visitors at the ballfields
 - Overhead netting would be installed
- F. Bleachers School District
 - The School District has agreed to supply nice useable, but no longer used bleachers to the facility to enhance fan seating
- G. Playground Equipment School District
 - If the School District has excess playground equipment, it is willing to supply that equipment to the ballfields for the enjoyment of little ones. Currently there is no playground equipment at the facility.
- H. Roof Replacement of Concession Stand City
 - With the roof leaking, the roof is need of repair.

All of these things are going to be possible because of this contribution. Formal action will be on the 4/16 Council meeting.]

- City Manager J.D. Cox gave his report to Council, which follows in outline form:
 - Informed Council a status report of all LB840 Economic Development projects has been included within the Council packet for review.
 - The electric upgrades have been working as reflected with the high winds we have been experiencing and very few outages.
 - Street improvements are underway with the crack sealing project in full swing.
 - A Council retreat is being scheduled for late April or early May.
 - The Nebraska Legislature has passed LB357 granting an additional half cent sales tax authority to communities and LB745 regarding occupation taxes.
 - The Nebraska Game and Parks Commission are recommending the continuation of harassment practices and the feeding ban to control the goose population at Laing Lake.
- Deb Dopheide, Executive Director of Keep Alliance Beautiful made the following presentation to the City Council:

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[Keep Alliance Beautiful, Inc. would like to accomplish several tasks in Alliance and Box Butte County this spring as part of Keep America Beautiful's Great American Cleanup and in association with the City of Alliance and Box Butte County. The programs will assist with the cleanup of the community and County but are dependent in part upon the use of the City Landfill.

On April 20, 2012, KAB, the City of Alliance, and Box Butte County will join forces for a Household Hazardous Waste Collection. The collection will be between 8:00 a.m. to 4:00 p.m. at the Municipal Landfill. Advertising for the event will be split between the City of Alliance and Box Butte County evenly.

We will not be charged anything for the event or disposal because the company doing this had some funds left over from their grant and are using this to fund this event and disposal. We will only have the advertising to pay for.

I will be finding volunteers to help at the gate to fill out log sheets and direct vehicles to the operation. Volunteers will also be used to help unload vehicles, open paint cans, pour paint into the large barrels it will be collected in and then direct people back out of the landfill. The cans will be recycled by KAB and we will transport them to our center. Again, there should be very little cost to the City of Alliance for the service. Your landfill employees should not have to do much at all.

The people running the collection will be here May 19th to set up at the landfill and will be on site the entire day.

Between May 1 – May 5, we are requesting a landfill amnesty week between May 1-May 5, 2012. We have done this in the past during the spring. This week will be used to encourage people to dispose of items. I am aware that you currently have given residents of Alliance two free landfill passes to use at their own free will. I want to use the week as a reminder and an incentive for people to clean before the summer gets here.

KAB is planning a final large County-wide Cleanup to occur on May 5, 2012. Residents of the City of Alliance, Hemingford, and Box Butte County will be asked to help clean, before summer begins and all the holidays and celebrations take place.

KCOW will be selling advertising to support this and will use the event to take a portion of their sales to give to the City for a project. The project will be to help with Laing Lake beautification projects. Incentive will be to increase the average amount of waste taken into the landfill on a weekly basis or recycled by 30% to challenge the community.

KAB will be contacting community organizations, churches, clubs, schools, businesses, and individuals to help with the process. Groups willing to contribute will be asked to help clean the properties of individuals who are not able due to age or disabilities. It is our hope and desire to get the entire community involved. The same thing will be happening in Hemingford and Box Butte County that week.

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I am asking that in addition to allowing the landfill to be open during that week, the City Council make a commitment to individually assist a group involved with the process. We will be asking groups wishing to help, to meet at the City building on that date to sign in and choose an area to clean of litter. Alleys will be included, however, it should not be misconstrued that everything will be spotlessly clean, however, I think we can make a huge difference in the appearance of Alliance through this program.

Please take into consideration granting KAB access to the landfill for these events. This is one of the ways that KAB, the City of Alliance, and Box Butte County can work together for the benefit of the people who live and visit our area.]

Council instructed staff to prepare a legislative document for participation in the proposed events for consideration at their next meeting.

- Ordinance No. 2702, was the next item before Council which proposes parking improvements in the area of the fountain and the football stadium. City Manager Cox provided the following background information:

[With the proposed measure, two issues concerning vehicles in and around the fountain/Central Park are being addressed:

1. Inability of emergency vehicles to travel through and respond to emergencies due to the narrower width areas and parking on both sides of Sweetwater, which also causes extreme congestion during major events at the football stadium or park;
2. Permanently parked vehicles blocking the view of the fountain;

To address these, the proposed Ordinance, as written, would:

1. Restrict traffic on the west side of Sweetwater Avenue between 10th and 14th Streets and on the south side of 12th Street between Niobrara and Sweetwater Avenues.
2. Restrict parking around the fountain to two hours for the north side of 10th Street from Sweetwater to Niobrara and the east side of Niobrara in front of the fountain.

Regarding the second matter, in order to increase the public's viewing of the fountain, staff is recommending that a two hour parking limitation be implemented for a half block on the north side of 10th Street and the east side of Niobrara Avenue in front of the fountain for viewing purposes.

As to the first matter of congestion and emergency accessibility, staff is very concerned with emergency vehicles being nearly unable to navigate through Sweetwater from 10th to 14th during major events (such as football games and Fountain Fest), as well as on the south side of 12th Street between Niobrara and Sweetwater Avenues. Allowing parking on both sides of the streets during major events does not provide sufficient room for emergency vehicles to travel. Please note that although we contacted all neighbors regarding the proposal and most were supportive, we did hear from one property owner that suggested it would be better to not allow parking on the east side of Sweetwater, rather than the west side.

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I would suggest that we give ample opportunity for neighbors to be able to attend and share with you their thoughts regarding this matter that will clearly impact their lives. The City's main interest is that parking be restricted on either the East or the West side, and that we can accommodate the choice of the side as per area resident preference.]

A motion was made by Councilman Gonzalez, which was seconded by Councilman Benzel to approve Ordinance No. 2702 on first reading. City Clerk Jines read the Ordinance by title, which follows in its entirety:

ORDINANCE NO. 2702

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, CONCERNING PARKING, AMENDING §3-202 TO PROHIBIT PARKING AT ALL TIMES ON PORTIONS OF SWEETWATER AVENUE AND TWELFTH STREET; AND AMENDING §3-203 TO REGULATE PARKING AND DESIGNATE LIMITED TIME PARKING IN PLACES ADJACENT TO THE FOUNTAIN ON TENTH STREET AND NIOBRARA AVENUE; AND REPEALING PRIOR SECTIONS.

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

SECTION 1. Section 3-202 of the Alliance Municipal Code is amended to provide as follows:

§3-202. PARKING PROHIBITED AT ALL TIMES.

No person shall park a vehicle at any time:

- (a) Within a space of forty feet in front of the front entrance or entrances of any school;
- (b) Where any other street intersects a through street, on the right side of said other street as one faces the through street, within twenty feet of through street;
- (c) On the north side of First Street between the west line of Niobrara Avenue, if extended south, and the east line of Laramie Avenue if extended south;
- (d) On the south side of Eighth Street between the east line of Box Butte Avenue and the west line of Niobrara Avenue;
- (e) Within any alley, except when the actual operation of loading or unloading merchandise is there in progress;
- (f) Outside of the business district as herein defined, on that portion of any street outside the roadway;
- (g) On the south side of Sixth Street between the east line of Flack Avenue and the west line of Boyd Avenue;
- (h) On the north side of Fourth Street between the east line of Flack Avenue and the west line of Boyd Avenue;
- (i) On the north side of Fourth Street between the east line of Box Butte Avenue and a point 70 feet from said east line of Box Butte Avenue;
- (j) On the east side of Boyd Avenue from the north line of Fourth Street to a point 182 feet

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- north of the north line of Fourth Street and from the south line of Sixth Street to a point 166 feet south of the south line of said Sixth Street;
- (k) On the east side of U.S. Highway 385 beginning at a point 301 feet south of the northwest corner of Section 4, Township 24 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska, northerly along the highway right-of-way to a point where the highway intersects West Third Street in Alliance;
 - (l) Any other parking space or spaces which may hereafter be designated by the City Manager where parking shall be prohibited to provide for safety and the orderly flow of traffic and after such prohibited parking is plainly marked, painted on the curb or posted.
 - (m) On the north and south sides of Third Street from the west line of Cody Avenue westerly to the east line of Highways 2 and 385.
 - (n) On the north and south sides of Third Street from the west line of Howard Street, westerly to the east line of Cody Avenue
 - (o) On the south side of Twelfth Street, between Niobrara Avenue and Sweetwater Avenue.
 - (p) On Sweetwater Avenue, between Tenth Street and Fourteenth Street.
 - (o) On the south side of Sixteenth Street from the west line of Emerson Avenue to the east line of Buchfinck Avenue.

SECTION 2. Section 3-203 of the Alliance Municipal Code is amended to provide as follows:

§3-203. LIMITED TIME PARKING IN DESIGNATED PLACES.

No person shall park a vehicle for a period of time longer than twelve minutes at any time from Monday through Friday of any week between the hours of eight o'clock a.m., and six o'clock p.m., and between the hours of eight o'clock a.m. and nine o'clock p.m. on Saturdays, holidays excepted (a) the posted area in front of the U. S. Post Office building located on the northeast corner on Box Butte Avenue and Fourth Street; and (b) no vehicle shall be parked more than two hours on the following described streets:

Box Butte Avenue from the north line of First Street to the south line of Sixth Street;

Laramie Avenue from the north line of Third Street to the north line of Fourth Street;

Third Street from the west line of Niobrara Avenue to the east line of Cheyenne Avenue;

Fourth Street from the west line of Niobrara Avenue to the east line of Laramie Avenue;

Fifth Street from the west line of Niobrara Avenue to the east line of Laramie Avenue;

Laramie Avenue north of Fourth Street for two parking spaces on the east side of the street and three parking spaces on the west side of the street.

No person shall park a vehicle for a period of time longer than 15 minutes, or 30 minutes, in a parking space or spaces in the municipal parking lot located southwest of the Library/Learning Center, Lot 1, Block 1, Library/Attendance Center Addition, which time-limited spaces are

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plainly marked, painted on the curb or posted.

No person shall park a vehicle for a period of time longer than 15 minutes in a parking space, or spaces, on Box Butte Avenue, which time-limited spaces are plainly marked, painted on the curb, or posted.

No person shall park a vehicle for a period of time longer than two hours in a parking space or spaces, for the first one-half block on the north side of Tenth Street and the east side of Niobrara Avenue, which time-limited spaces are plainly marked, painted on the curb or posted.

No person shall park a vehicle between the hours of 6:00 p.m. to 6:00 a.m. on the east side of the 400 block of Niobrara Avenue from the north line of Fourth Street to a point 87 feet north of the north line of Fourth Street in the parking space or spaces which are plainly marked, painted on the curb, or posted.

SECTION 3. Previously existing sections 3-202, 3-203, and 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 4. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Sheila Walker, 1031 Sweetwater Avenue addressed Council and stated she was not in favor of restricting parking on one side of Sweetwater Avenue on a full time basis. Mrs. Walker presented Council with a study she had conducted on several streets with similar widths within the community that she believes poses the same safety risk. She stated her preference for handling the traffic congestion which take place on Sweetwater Avenue would be to provide traffic control during the special events. She reported there are between 14 and 19 events which include football games, track meets, Shrine Circus, and Fountain Fest annually which cause major congestion in the area which would require traffic control.

J.J. Smith, 1442 Colorado Avenue suggested the City consider making the traffic one-way during special events and having the Police Department direct traffic.

Harry Shaffert, 1027 Sweetwater Avenue stated he has lived in the neighborhood for thirty years and the only time the flow of traffic is a problem is during the large events which take place less than 20 times per year. He did indicate the amount of traffic has increased over the years due to the development on the north end of Sweetwater Avenue.

Councilman Benzel offered an amendment to remove Section 1 of the ordinance which would modify Section 3-202 of the Municipal Code. Councilman Yeager seconded the motion.

Both the amendment and the original motion were withdrawn by the respective Council members.

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Council delayed consideration of Ordinance No. 2702 and requested staff to make modifications to the proposed ordinance to proceed with a two hour parking restriction in the vicinity of the fountain and to remove the parking restrictions on Sweetwater and 12th Street.

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

Motion by Councilman Benzel, seconded by Councilman Gonzalez to adopt Ordinance No. 2700 on third 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.

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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;
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;

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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 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.

D. Abatement

If the owner or occupant does not timely request a hearing as provided for in this section and fails to abate the nuisance as set forth in the Notice, or, if a hearing is requested and the owner and occupant fail to comply with the City's order, given by the Board of Health, to abate and remove the nuisance after the hearing, then the City may have such work done. The costs and expenses of any such work shall be paid by the owner. If 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.

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 to adopt Ordinance No. 2700 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. 2700 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

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

[At the last two Council meetings, both of the proposed ordinances were approved on their first and second readings and advanced to the third and final reading.]

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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.

Council then decides whether it wants to levy the cost as a Special Assessment against the lot or real estate worked upon or pursues the landowner in a civil action. These items can be decided at whatever frequency as necessary (e.g. we can hold them for an agenda item on quarterly basis, yearly, etc.; or we can make this decision after each specific instance.]

Motion by Councilman Yeager, seconded by Councilman Benzel to adopt Ordinance No. 2701 on third reading. The Ordinance title was read by City Clerk Jines 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;

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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

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:

1. 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
2. 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.
3. 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
4. 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,

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

1. That a nuisance exists;
2. That the owner or occupant is ordered to immediately abate and remove the nuisance;
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 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 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 to adopt Ordinance No. 2701 with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Feldges stated, “the passage and adoption of Ordinance No. 2701 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- Resolution No. 12-25, awarding contracts to Service Maxx of Alliance, Nebraska for janitorial services at the Municipal Airport, Knight Museum and Sandhills Center, Library/Learning Center, Police Department and Administrative Annex and the Utility Facility was the next item to be presented to Council. City Manager Cox provided the following background information:

[Shana Brown worked cooperatively with city staff to assemble cleaning interval requirements for the Alliance Learning Center, Knight Museum & Sandhills Center, Police Department and Admin. Annex, Airport Terminal, Utility Facility and SkyView Golf Course. A Request for Qualifications and Bid 7176-02-2012 for janitorial services city wide was issued February 8, 2012. Below is a bid tab detailing the bids that were opened February 29, 2012, at the Knight Museum & Sandhills Center. The lowest most responsive and responsible bid for each facility is highlighted:

	A & J Janitorial Service	Service Maxx	*PEZ Cleaners	**Vilco
Alliance Learning Center	\$23,700.00	\$22,400.00	*\$14,400.00	\$16,500.00
Knight Museum	\$9,995.00	\$9,126.00	No Bid	\$8,950.00
Police Department & Admin.	No Bid	\$8,334.00	No Bid	\$3,050.00
Alliance Airport Terminal	\$8,700.00	\$5,586.00	No Bid	\$4,450.00
Utility Facility	\$7,775.00	\$6,780.00	No Bid	4,620.00

*PEZ Cleaners was non-responsive because statement of qualifications was not included.

**VILCO was non-responsive as no staffing charts were included.

Janitorial services for Alliance Learning Center, Knight Museum & Sandhills Center, Police Department and Administrative Annex, Airport Terminal and Utility Facility are recommended to be awarded to Service Maxx of Alliance, NE. Total contract value as shown in the table below totals \$49,401.00. However, due to an existing contract with the Utility Facility, Staff is recommending that that contract not begin until October 1,

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2012. All Insurance and Bond documentation required by the specifications will be forwarded to the City Clerk prior to the April 5, 2012 Council meeting. A summary of the Recommendation:]

	Winning Bid	Winning Bidder
Alliance Learning Center	\$22,400.00	Service Maxx
Knight Museum	\$9,126.00	Service Maxx
Police Department & Admin.	\$8,334.00	Service Maxx
Alliance Airport Terminal	\$5,586.00	Service Maxx
Utility Facility	\$3,955.00	Service Maxx

Motion by Councilman Seiler seconded by Councilman Benzel to approve Resolution No. 12-25, which follows in its entirety:

RESOLUTION NO. 12-25

WHEREAS, The City of Alliance operates the Alliance Municipal Airport, Knight Museum and Sandhills Center, Police Department and Administrative Annex, Learning Center and Utility Facility; and

WHEREAS, As a result of normal use the buildings require cleaning on a regular basis; and

WHEREAS, The City advertised for janitorial services to be provided at each location and the lowest responsive, responsible bidders are as follows:

Alliance Municipal Airport	Service Maxx	\$5,586.00
Knight Museum and Sandhills Center	Service Maxx	\$9,126.00
Police Department & Admin. Annex	Service Maxx	\$8,334.00
Learning Center	Service Maxx	\$22,400.00
Utility Facility	Service Maxx	\$6,780.00

WHEREAS, The Mayor and City Council deem it expedient to employ companies to provide janitorial services to clean and maintain the Alliance Municipal Airport, Knight Museum and Sandhills Center, Police Department and Administrative Annex, Learning Center and Utility Facility on a regular basis.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to sign an Agreement between Service Maxx Cleaning and Restoration and the City of Alliance to provide for janitorial services at the Alliance

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Municipal Airport in the amount of \$5,586.00 annually effective May 1, 2012. Funding for this service will be from Account No. 22-41-43-43-373.

BE IT FURTHER RESOLVED, that the Mayor is authorized to sign an Agreement between Service Maxx Cleaning and Restoration and the City of Alliance to provide for janitorial services at the Knight Museum and Sandhills Center in the amount of \$9,126.00 annually effective May 1, 2012. Funding for this service will be from Account No. 01-71-76-43-373.

BE IT FURTHER RESOLVED, that the Mayor is authorized to sign an Agreement between Service Maxx Cleaning and Restoration and the City of Alliance to provide for janitorial services at the Alliance Police Department and Administrative Annex in the amount of \$8,334.00 annually effective May 1, 2012. Funding for this service will be from Account No. 01-31-31-43-373.

BE IT FURTHER RESOLVED, that the Mayor is authorized to sign an Agreement between Service Maxx Cleaning and Restoration and the City of Alliance to provide for janitorial services at the Alliance Learning Center in the amount of \$22,400.00 annually effective May 1, 2012. Funding for this service will be from Account No. 01-71-77-43-373.

BE IT FURTHER RESOLVED, that the Mayor is authorized to sign an Agreement between Service Maxx Cleaning and Restoration and the City of Alliance to provide for janitorial services at the Utility Facility in the amount of \$3,955.00 which is pro-rated amount based on an eight month contract which will be effective October 1, 2012. Funding for this service will be from Account No. 55-51-56-43-373.

BE IT FURTHER RESOLVED, that staff is authorized to contact the successful bidders so services can be provided and to expend the funds as set forth above in accordance with the agreements to pay for the janitorial services.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution Numbers 12-26 and 12-27, approving the applications of Box Butte Development Corporation (BBDC) for assistance from the Economic Development Fund were the next items before Council. City Manager Cox provided the following background information:

[As of “press time” for our packets for this week, the City’s Economic Development Plan Application Review Committee is scheduled to meet on Tuesday, April 6, 2012, to take up the four different funding requests from our LB840 funds. As set forth in Section IV

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of the City's current Economic Development Plan, the Program Administrator is the City Manager. The EDPARC and the Program Administrator will review the applications and make recommendations to Council. The purpose of the EDPARC is to review applications for the City's LB840 economic development funding and to make recommendations to Program Administrator as to whether to approve or deny the application; how much to fund; how the financing package is configured (forgivable and/or non-forgivable).

For your convenience, below is a status summary report of LB840 projects currently underway and how those LB840 Financing amounts were configured.

Note Date	Company Name	Total Project	Award	% Funded	Max. Forgiven	% Forgiven	Term	Rate	Status	Balance
4/6/2005	Vitalix, Inc.	590,000	125,000	21%	125,000	100%	10 yr	NYP-1%	Completed	N/A
9/27/2006	Perrin	700,000	150,000	21%	150,000	100%	10 yr	NYP-1%	Completed	N/A
11/13/2006	Neb Trans Co.	165,000	150,000	91%	50,000	33%	8 yr	1.50%	In Progress	\$ 87,500
9/30/2008	Tridako LTD	665,000	200,000	30%	100,000	50%	10 yr	1.50%	In Progress	\$ 177,500
	Totals	2,120,000	625,000	29%	425,000	68%				\$ 265,000

LB840 Fund Balance:

Currently we have approximately \$870,000 in cash our LB840 fund. Additionally, the City shows as notes receivable from previous LB840 projects mentioned above and still underway, two notes of \$177,500 and \$87,500 (with \$150,000 being forgivable). The amount of funds requested for consideration total \$516,200. However of the \$516,200 requested, almost half (\$250,000) is for land acquisition in advance of future projects, while the remainder requested is for two different business startup projects. Currently, the City raises approximately \$200,000 per year from sales tax that is invested into the LB840 Fund. Unfortunately, there has not been too much activity with this fund for the past couple of years, and although we did budget for the expenditure of \$250,000 for fiscal year (Sept 2011- Aug 2012), if the ADPARC felt strongly about the merits of the applications, staff could certainly recommend to Council a budget amendment. The City does have the cash funds, we just need to make a determination as to what and how much expenditure of funds will most likely benefit our community.

Rules of Thumb for Consideration:

To that end, City Finance Director Randy Waggener has drafted the following rules of thumb that the EDPARC may wish to consider adopting to assist in a systematic way to weigh the value/expenditure of the LB840 funding:

- % of Funding – Recommended 10% to 30% with maximum of 50%
- Maximum Funds – Recommended \$150,000 maximum with absolute maximum of \$200,000
- Forgiveness – Recommended 33% with 50% maximum
- Maximum Loan Payout – 10 years
- Consider a minimum fund balance that we wish to retain

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Additional Considerations:

- Although the applicant applied for a certain amount of funding, the EDPARC can make its own determination as to how much and in what way the financing is configured;
- The EDPARC will need to disclose why the applications were recommended for funding in the way chosen;
- Just as the EDPARC is not bound to any prescribed recommendations (other than the terms of the EDP and the availability of cash and budget authority), neither is City Council. Council hopefully will choose to approve the recommendation of the EDPARC, but certainly can go a different direction if it should so choose).

Meeting Procedure

Although the EDPARC meetings are generally open, public meetings, because of the need to disclose confidential and sensitive business and financial information, it is expected that the EDPARC will move into an Executive Session (closed door meeting) prior to discussing the proposals. However, once the discussion pertaining to confidential portions of the applications has completed, the EDPARC will then move resume on the agenda Open Session and will consider a motion that will authorize a recommendation on the four applications.

We have four applications in your packet for consideration. A summary of the four requests:

1. Scott Bolinger Gym (Requested by Scott Bolinger) \$ 55,000

Scott Bolinger has requested a \$55,000 loan (no mention of forgivable or non-forgivable) to be used to fund the bulk of his business expansion proposal of a new gym at 206 Box Butte that will be used to train martial arts students to become boxing and kickboxing athletes. The total estimated repair/structural investment is \$55,500, plus another \$12,135 in operational startup, for a total of \$67,135 total startup. Mr. Bolinger has identified \$12,135 of personal match for the \$55,000 loan request, but does not appear to include cash, but instead appears to be mostly from current inventory. This does not meet the standards which are being proposed above. Additionally, Mr. Bolinger proposes the creation of four initial new jobs (one manager, 2 store clerks and other staff member), plus the possible expansion of additional staffing of one or more production manager/workers, and coaches.

2. Crossman Trailer (Requested by Mark Tolstedt) \$100,000

Mark Tolstedt has requested a \$100,000 loan (forgivable or non-forgivable) to be used to fund a portion of a new business endeavor to manufacture, assemble and sell medium duty aluminum gooseneck flatbed trailers. As proposed, the LB840 funds would represent just a little more than 1/3 of the capital startup needs of approximately \$285,000. A detailed breakdown of the funding is included in your packet. Please note after submitting the application document, Mr. Tolstedt updated me to let me know that he was changing the owner equity home loan noted on page three entitled source and uses of funds of the application into a "cash position." Mr. Tolstedt proposes to initially create 5 new jobs, with the prospect of adding more as business grows. Finally, Mr. Tolstedt has considerable experience in this field with prior employment as an engineer with companies that built similar products.

3. BBDC – Purchase of 15 acres (Requested by Chelsie Herian) \$ 75,000

BBDC is proposing the use of LB840 funds in the amount \$75,000 for the acquisition of 15 acres of real estate (\$5000/acre) for the supplemental development of a business park and in advance of an upcoming business deal. After gaining control of the proposed property, it is anticipated

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that the property will eventually sell to the company that BBDC is confidentially working with. When the property sells, the loan will be repaid. City staff is recommending that City Council, with prior approval, may waive the balance of the \$75,000 interest-free loan, should Council and BBDC agree to sell the land for less than \$75,000.

4. BBDC – Purchase of 35 acres (Requested by Chelsie Herian) \$286,200
BBDC is proposing the use of \$286,200 of LB840 funds as a 100% match with a Nebraska Department of Economic Development (DED) also for \$286,200. With a combined project cost of \$572,400, the project will create a new industrial park on the east side of Alliance, next to the existing Perrin Manufacturing facility. Included in the \$572,400 project is \$175,000 for the acquisition of 35 acres of real estate (\$5000/acre), construction of streets \$75,000, the installation of sewer and water systems (\$23,000 and \$259,400 respectively), plus an additional \$40,000 for contingency for additional expenses. BBDC worked with this, and received approval from, the Nebraska Department of Economic Development (DED) this past year on the project, but had to pass on the project at the time due to the impending transaction of item #3 above. We were all recently very pleased to learn that DED has issued to the City of Alliance its commitment and approval of our project for this upcoming funding cycle. When the property sells, the \$175,000 portion of the loan for the property will be repaid. City staff is recommending that City Council provide a grant to BBDC for this project of \$111,200, and an interest-free loan of \$175,000 for the purchase of the real estate to be repaid upon the sale of the land. As with the item above, Staff is also proposing that, with prior approval, the City may waive the balance of the \$175,000 interest-free loan should Council and BBDC agree to sell the land for less than \$175,000.

City Attorney Rick Ediger provided Council with an historical overview of LB840 and why this piece of legislation was created which follows:

[Background:

1. Nebraska Constitution: The credit of the state shall never be given or loaned in aid of any individual, association, or corporation. "State" includes any political subdivision of the State.

2. 1990- Nebraska Constitution was amended by vote of the citizens to permit the legislature to enact legislation for municipalities to provide assistance to individuals or businesses. In 1991, the Nebraska Legislature passed LB840 which authorized municipalities to establish an economic development program utilizing tax revenues.

3. Since then. Alliance voters approved an Economic Development Program to be funded by sales tax revenues (as have 58 other communities in Nebraska)

Eligibility for Funding:

1. Activities: Section III of the Plan provides that funds allocated to the Program are to be used primarily for providing direct or indirect financial assistance to Qualifying Businesses. Activities which are eligible include (1) job credits for full-time jobs, (2) public works improvements in order to locate a QB, (3) real estate purchases - subject to repayment to the fund

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out of eventual sale proceeds, (4) recruiting expenses & job training, (5) costs to administer the program, (6) loans and forgivable loans. Generally, funding for a business is not supposed to be the sole source of the applicant.

2. Eligible Businesses: Section IV of the Plan defines a Qualifying Business - person or entity which derives its principal source of income from 9 different categories:

- Manufacturing
- Research & development
- Processing, storage, transport or sale of goods or commodities in interstate commerce
- Sale of Services in interstate commerce
- Headquarters facilities relating to eligible activities
- Telecommunications activities
- Tourism-related activities
- Retail sales

However, we cannot provide incentives to a business who would move to Alliance while closing down operations in another Nebraska community.

3. Recipients do not have to be located within the City.

4. Recipients have been and can be non-profit organizations as long as their primary source of income is from an eligible activity (and not tax dollars or grants, for example), or are providing "indirect assistance" to a Qualifying Business.

5. General types of applications.

a. Need based: Someone who has a good idea and a certain amount of equity and bank financing - but needs assistance to pull it off. (Crossman)

b. Incentive based: A company who could finance its entire project itself, but there is competition for them to locate in one place for another, and the incentive that we provide would get them to come here.

c. No specific business: Purchase of real estate, etc. (BBDC). However, any time that funds are used for the purchase of real estate, the ultimate owner of the real estate must be a Qualifying Business & the sale proceeds must come back into the ED Fund.

Application Process:

1. We are encouraging applicants to work through BBDC and use that resource to give guidance to and sort out applicants - before the City spends too much time on the application.

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2. Eligible applications are generally referred to the Application Review Committee. This committee is made up of 5 members, all appointed by the City Council with a minimum of one Banker and one CPA.

John McGhehey
 Brenda McDonald
 Scott Moller
 Rich Robb
 Serena Bremer
 J.D. - as the Program Administrator is ex officio

This Committee meets with each Applicant, reviews business and financial information (confidential), and makes recommendations to the Program Administrator. This Committee functions in a similar manner as a Bank Loan Committee would operate. Recommendations include the amount of funding, whether any portion of the loan will be forgivable (based on performance), collateral to secure repayment, and other conditions that the Committee feels are appropriate.

3. The Plan requires that all recommendations must be approved by the City Council. Due to the fact that the business and financial information presented to the City is confidential, the Council typically gets the information on an applicant in summary form, however, and relies on the Committee to make the determination as to financial viability. In providing for a level of confidentiality, the Legislature recognized that Economic Development is a competitive environment, and that businesses will locate elsewhere if there is any concern that their proprietary information gets out. For example, one of the recommendations tonight (Crossman Trailer) involves a unique product that requires a certain amount of engineering expertise - but, if a competitor got hold of the information too soon, it would likely put an end to the project.

4. Grants are generally in the form of loans which either (1) must be repaid (2) loans which can be forgiven, or (3) a combination of both. Some level of job creation is generally required in order for any portion of a loan to be forgiven. Any balance owed at the end of the 5-year term must be repaid unless extended.

5. A written agreement with the Applicant is also presented to the Council for approval. Tonight, you will be asked to approve 3 recommended projects, but you will actually have another shot at it when the actual agreements are presented for your approval at the next meeting.

Review Process:

1. Annual reports concerning jobs created by an Applicant are required and initially reviewed by city staff.

2. Citizen Advisory Committee (provided for in Section IX of the Plan) - currently made up of 5 to 10 registered voters in the City, appointed by the City Council. At least one

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member must have expertise or experience in the field of business finance or accounting. This Committee is responsible for monitoring the Plan, and reviewing annual reports of Grant Recipients, etc. It is required to meet and report to the City Council at least once every 6 months.

Accountability is an important key to the success of the Program, especially when it comes to the time for consideration of renewal.]

Motion by Councilman Benzel, seconded by Councilman Seiler, to approve Resolution No. 12-26, which follows in its entirety:

RESOLUTION NO. 12-26

WHEREAS, The voters of the City of Alliance approved an Economic Development Plan which had been adopted by the City Council in 2001 and in 2010, pursuant to the authority of Nebraska Revised Statutes 18-2701 through 18-2738;

WHEREAS, An Application Review Committee has been appointed by the City Council pursuant to law to review applications for assistance under the Economic Development Plan;

WHEREAS, The Economic Development Plan is funded by a portion of City sales tax which was also approved by the voters in 2001 and in 2007;

WHEREAS, The application of Box Butte Development Corporation (“BBDC”) has been received for assistance pursuant to the Economic Development Plan, which assistance shall be used for the purchase of approximately 15 acres of real estate which will then be developed for use by a qualifying business pursuant to the requirements of the Economic Development Plan;

WHEREAS, The Application Review Committee has approved the application of BBDC and recommended to the Program Administrator that the project be approved;

WHEREAS, The Program Administrator has accepted the recommendation of the Application Review Committee, and recommends that the City Council approve the project;

WHEREAS, The proceeds from the future sale of the Real Estate are to be returned to the Economic Development Fund to the extent of the amounts paid from the Economic Development Fund; and

WHEREAS, The City Council finds that this allocation of funds does not exceed the limitations of Section 18-2717 of the Nebraska Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the application of BBDC for assistance from the Economic Development Fund pursuant to the Local Option Municipal Economic Development Act is hereby approved in the amount of \$75,000.00.

BE IT FURTHER RESOLVED, that the Program Administrator proceed to negotiate an

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Economic Development Assistance Agreement between the City of Alliance and BBDC, and present the Agreement to the City Council for approval and execution by the Mayor on behalf of the City of Alliance, Nebraska.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Seiler, seconded by Councilman Benzel, to approve Resolution No. 12-27, which follows in its entirety:

RESOLUTION NO. 12-27

WHEREAS, The voters of the City of Alliance approved an Economic Development Plan which had been adopted by the City Council in 2001 and in 2010, pursuant to the authority of Nebraska Revised Statutes 18-2701 through 18-2738;

WHEREAS, An Application Review Committee has been appointed by the City Council pursuant to law to review applications for assistance under the Economic Development Plan;

WHEREAS, The Economic Development Plan is funded by a portion of City sales tax which was also approved by the voters in 2001 and in 2007;

WHEREAS, The application of Box Butte Development Corporation (“BBDC”) has been received for assistance pursuant to the Economic Development Plan, which assistance shall be used for the purchase of approximately 35 acres of real estate which will then be developed for use by a qualifying business pursuant to the requirements of the Economic Development Plan;

WHEREAS, The Application Review Committee has approved the application of BBDC and recommended to the Program Administrator that the project be approved;

WHEREAS, The Program Administrator has accepted the recommendation of the Application Review Committee, and recommends that the City Council approve the project;

WHEREAS, The proceeds from the future sale of the Real Estate are to be returned to the Economic Development Fund to the extent of the amounts paid from the Economic Development Fund; and

WHEREAS, The City Council finds that this allocation of funds does not exceed the limitations of Section 18-2717 of the Nebraska Revised Statutes.

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the application of BBDC for assistance from the Economic Development Fund pursuant to the Local Option Municipal Economic Development Act is hereby approved in the amount of \$286,000.00.

BE IT FURTHER RESOLVED, that the Program Administrator proceed to negotiate and Economic Development Assistance Agreement between the City of Alliance and BBDC, and present the Agreement to the City Council for approval and execution by the Mayor on behalf of the City of Alliance, Nebraska.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be considered by Council was Resolution No. 12-28, approving the negotiations of an Economic Development Assistance Agreement between the City of Alliance and Mark and Jill Tolstedt dba Crossman Trailer, Inc.

Motion by Councilman Gonzalez, seconded by Councilman Seiler, to approve Resolution No. 12-28, which follows in its entirety:

RESOLUTION NO. 12-28

WHEREAS, The voters of the City of Alliance approved an Economic Development Plan which had been adopted by the City Council in 2001 and in 2010, pursuant to the authority of Nebraska Revised Statutes 18-2701 through 18-2738;

WHEREAS, An Application Review Committee has been appointed by the City Council pursuant to law to review applications for assistance under the Economic Development Plan;

WHEREAS, The Economic Development Plan is funded by a portion of City sales tax which was also approved by the voters in 2001 and in 2007;

WHEREAS, The application of Mark and Jill Tolstedt dba Crossman Trailer, Inc. has been received for assistance pursuant to the Economic Development Plan, and Mark and Jill Tolstedt dba Crossman Trailer, Inc. is a qualifying business pursuant to the requirements of the Economic Development Plan;

WHEREAS, The Application Review Committee has approved the application of Mark and Jill Tolstedt dba Crossman Trailer, Inc. and recommended to the Program Administrator that the project be approved;

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WHEREAS, The Program Administrator has accepted the recommendation of the Application Review Committee, and recommends that the City Council approve the project;

WHEREAS, The Economic Development funds in the project requesting assistance are not the sole or primary funding source; and

WHEREAS, The City Council finds that Mark and Jill Tolstedt dba Crossman Trailer, Inc. is a qualifying business and that this allocation of funds does not exceed the limitations of Section 18-2717 of the Nebraska Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the application of Mark and Jill Tolstedt dba Crossman Trailer, Inc. for assistance from the Economic Development Fund pursuant to the Local Option Municipal Economic Development Act is hereby approved in the amount of \$100,000.00; of which \$50,000.00 may be forgivable.

BE IT FURTHER RESOLVED, that the Program Administrator proceed to negotiate and Economic Development Assistance Agreement between the City of Alliance and Mark and Jill Tolstedt dba Crossman Trailer, Inc., and present the Agreement to the City Council for approval and execution by the Mayor on behalf of the City of Alliance, Nebraska.

Mr. Mark Tolstedt, 1204 Cheyenne Avenue appeared before Council and outlined his business plan for Crossman Trailer, Inc.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The last item on Council's agenda were three board appointments.

Motion by Councilman Seiler, seconded by Councilman Benzel, to appoint Doug Wilson 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.

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Motion by Councilman Seiler, seconded by Councilman Benzel, to appoint Marcia Buck 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.

Motion by Councilman Seiler, seconded by Councilman Benzel, to appoint Alan Cornish to the Golf Course Advisory Board for a term expiring December 31, 2014.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Seiler, which was seconded by Councilman Benzel authorizing the use of a Community Garden Advisory Committee on a temporary basis for this growing season.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

J.J. Smith, 1442 Colorado Avenue has volunteered to serve as the Chairperson for the Community Garden Advisory Committee. Mr. Smith has recommended the Committee be comprised of five members.

Councilman Seiler announced vacancies on the Board of Adjustment, A-1 and A-2 Downtown Improvement Boards, the Economic Development Plan Citizen Advisory Board, Golf Course Advisory Board, the Alliance Housing Authority and the Planning Commission. Anyone interested in serving should contact the City Clerk's Office or visit our web page www.cityofalliance.net.

- Mayor Feldges stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 9:02 p.m."

April 5, 2012

(SEAL)

Fred Feldges, Mayor

Linda S. Jines, City Clerk