

June 21, 2012

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, JUNE 21, 2012

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

The Alliance City Council met in a Regular Meeting, June 21, 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 June 14, 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 June 21, 2012 Regular Meeting of the Alliance, Nebraska City Council at 7:03 p.m. Present were Mayor Feldges, Council Members Yeager, Benzel, Lewis and Seiler. Also present were City Manager Cox, City Attorney Olsen and City Clerk Jines.

- Mayor Feldges read the Open Meetings Act Announcement.
- The first item on Council's agenda was the Consent Calendar.

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

CONSENT CALENDAR – JUNE 21, 2012

1. Approval: Minutes of the Regular Meeting, June 7, 2012.
2. Approval: Payroll and Employer Taxes for the period May 26, 2012 through June 8, 2012 inclusive: \$191,230.30 and \$13,615.55 respectively.
3. Approval: Claims against the following funds for the period May 31, 2012 through June 14, 2012: General, General Debt Service, Trust and Agency, Street, Electric, Refuse

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Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement; \$245,156.29.

4. Approval: The *Request for Reserved or Exclusive Use of City Parks* of the Alliance Jaycees to conduct the annual fireworks display. The Alliance Jaycees would like to once again provide a community fireworks display on Wednesday, July 4, 2012 at Laing Lake with their backup rain date being Thursday, July 5, 2012. The Jaycees have been issued a Public Firework Display Permit from the Nebraska State Fire Marshal and authorized by Fire Chief Shoemaker. A Certificate of Insurance has been provided by Premier Pyrotechnics, Inc. II Shop Show naming the City of Alliance as an additional insured.

5. Confirmation: The City's authorization for the *Request for Military Aerial Support* to allow for a military fly-over as part of a proposed Veteran's Day Parade event on November 11, 2012. This event is in the planning stages and requires the request to be filed well in advance of the event to see if it will even be possible. The parade request will follow, should it be determined the event will move forward.

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, Seiler, Lewis, Yeager, Benzel.

Voting Nay: None

Motion Carried.

- The next agenda item was the City Manager's report by J.D. Cox which follows in outline form:
 - Commended the Alliance Police Department, other area law enforcement agencies and all the City staff that were involved or assisted in the unfortunate incident which took place on June 12, 2012.
 - Complimented Mayor Feldges for support and efforts during the event.
 - Made a statement regarding the recent electric outage which was a result of a failure which happened with WAPA's equipment and not the City of Alliance's equipment.
 - Reminded Council of the State Highway Commission Meeting being held in Alliance tomorrow.
 - Reported on the stakeholders meeting which was held Monday evening at the golf course and stated golf course usage is up this season.
 - A public overview was held yesterday on the proposed Streetscape Improvements in Downtown Alliance.
 - A meeting was held today to discuss the Sweetwater Avenue project.
 - The Hose Uncoupling event for the public to tour the new Airport ARFF Building was very successful.

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- Keno representatives will be in Alliance on July 13, 2012.
 - The City was contacted by the Nebraska Municipal League and informed Speaker of the House Flood will be in Alliance on July 25, 2012.
- The next agenda item was the first reading of Ordinance No. 2708 which will annex the property owned by West Plain, LLC; this includes the new West Plains Grain Facility.

Motion by Councilman Benzel, seconded by Councilman Lewis to approve the first reading of Ordinance No. 2708. City Clerk Jines read the Ordinance by title which follows in its entirety:

ORDINANCE NO. 2708

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, ANNEXING CERTAIN PROPERTY IN SECTIONS 22, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA.

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

SECTION 1. West Plains, LLC has requested that the following described real estate (the "Real Estate") be included within the corporate limits of the City:

A tract of land in the North Half of Section 22, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska, more particularly described as follows:

Beginning at the Northeast Corner of Section 22, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska; thence S 2°52'36" W (an assumed bearing) on the east line of said Section 22, a distance of 2680.44 feet to the East Quarter Corner of said Section 22; thence S 88°34'23" W on the south line of the North Half of said Section 22, a distance of 2051.83 feet to the easterly Burlington Northern Santa Fe railroad right-of-way; thence N 31°17'55" W on said right-of-way, a distance of 3108.39 feet to the north line of said Section 22; thence N 88°45'38" E on said north line, a distance of 1109.86 feet to the North Quarter Corner of said Section 22; thence N 88°58'32" E on the north line of said Section 22, a distance of 2691.36 feet to the POINT OF BEGINNING; said described tract containing 180.28 acres, more or less.

SECTION 2. The Real Estate is contiguous or adjacent to the existing corporate limits of the City, is urban or suburban in character, and does not constitute agricultural land which is rural in character.

SECTION 3. The Real Estate is annexed to and included within the corporate limits of the City as of the effective date of this Ordinance.

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SECTION 4. The map describing the Corporate Limits as provided for in Section 1-1901 of the Alliance Municipal Code is amended to provide for the addition of the Real Estate to the corporate limits of the City.

SECTION 5. West Plains, LLC, has irrevocable waived the requirements of §16-120 of the Nebraska Statutes, which would otherwise require the City to provide to the Real Estate substantially the same services as are provided to other inhabitants of the City.

SECTION 6. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this Ordinance are repealed.

SECTION 7. This Ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote on Ordinance No. 2708 with the following results:

Voting Aye: Benzel, Lewis, Feldges, Seiler.

Voting Nay: Yeager.

Motion carried.

- The second reading of Ordinance No. 2707 concerning the annexation of a portion of railway right-of-way as the request of BNSF Railway Company was the next matter before Council.

Motion by Councilman Seiler, seconded by Councilman Lewis to approve the second reading of Ordinance No. 2707. City Clerk Jines read the Ordinance by title which follows in its entirety:

ORDINANCE NO. 2707

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, ANNEXING CERTAIN PROPERTY IN SECTIONS 22 AND 27, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA.

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

SECTION 1. BNSF Railway Company has requested that the following described real estate (the "Real Estate") be included within the corporate limits of the City:

That part of Sections 22 and 27, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska, more particularly described as follows:

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Beginning at the point where the westerly right-of-way line of the BNSF Railway Company intersects with the east line of Section 27; then northwesterly along said westerly right-of-way to a point on the north line of Section 22; then easterly along the north line of Section 22 to a point on the easterly right-of-way line of the BNSF Railway Company; then southeasterly along the easterly right-of-way line of the BNSF Railway Company to a point on the east line of Section 27; then southerly along the east line of Section 27 to the point of beginning.

SECTION 2. The Real Estate is contiguous or adjacent to the existing corporate limits of the City, is urban or suburban in character, and does not constitute agricultural land which is rural in character.

SECTION 3. The Real Estate is annexed to and included within the corporate limits of the City as of the effective date of this Ordinance.

SECTION 4. The map describing the Corporate Limits as provided for in Section 1-1901 of the Alliance Municipal Code is amended to provide for the addition of the Real Estate to the corporate limits of the City.

SECTION 5. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this Ordinance are repealed.

SECTION 6. This Ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote on Ordinance No. 2707 with the following results:

Voting Aye: Benzel, Lewis, Feldges, Seiler.

Voting Nay: Yeager.

Motion carried.

- The next item for Council's consideration was the third reading of Ordinance No. 2706 concerning the Rezoning Application of Tom & Tammy Fletcher.

Motion by Councilman Lewis, seconded by Councilman Seiler to approve the third reading of Ordinance No. 2706. City Clerk Jines read the Ordinance by title which follows in its entirety:

ORDINANCE NO. 2706

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, AMENDING THE DISTRICT ZONING MAP TO SHOW THAT LOT TWO (2), BLOCK TWO (2), GROVEFIELD ADDITION, TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, IS NOW INCLUDED AS A C-3 HIGHWAY COMMERCIAL

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DISTRICT FROM A R-3 MULTI-FAMILY RESIDENTIAL DISTRICT, AND REPEALING PRIOR SECTIONS.

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

SECTION 1. Section 10-302 of the Alliance Municipal Code is amended to provide as follows:

10-302. DISTRICT MAP ADOPTED

Boundaries of the districts, as enumerated in Article 3 of these regulations, are hereby established as shown on a map prepared for that purpose, which map is hereby designated as the Zoning District Map; and said map, and all the notations, references and information shown thereon is hereby made as much a part of these regulations as if the same were set forth in full herein. The City Planning Commission shall keep on file in their offices an authentic copy of said map, and all changes, amendments, or additions thereto.

When definite distances in feet are not shown on the Zoning District Map, the district boundaries are intended to be along existing street, alley or platted lot lines, or extensions of the same, and if the exact location of such lines is not clear, it shall be determined by the Building Inspector, due consideration being given to location as indicated by the scale of the Zoning District Map.

This is to certify that the Zoning District Map described in the Alliance Municipal Code, passed this 21st day of June, 2012, is now the official Zoning District Map.

SECTION 2. Previously existing Section 10-302, 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 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 Ordinance No. 2706 with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 12-51 to grant permission to the Lion's Club for the use of Laing Lake for the Annual Lunatic Race was the next item for Council's review. City Manager Cox provided the following background information:

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[The City is in receipt of a request from the Lion's Club for use of Laing Lake for the purpose of conducting a "Lunatic Race" on the 4th of July. The following information was released by the club and is copied from the KCOW website: *"After a year's absence from the schedule of Fourth of July activities, the Alliance Lion's Club will be taking over the running of the annual "Lunatic Race" also known as the cardboard boat race on Laing Lake. Races will begin at 10:30 a.m. To enter, just show up with your boat. Boat construction must include only cardboard, duct tape, water soluble glue such as Elmer's, and water based paint such as latex. Boats may be propelled by paddles of any material or design. Boats propelled by paddle wheels or propellers will be in a separate class. Type I life preservers must be worn by all participants. Other races and prizes will be the same as in past years. Race groupings will be determined the day of the races with factors of gender, age, type of boat, etc. In addition to prizes for the fastest boat in each group, other awards will be made such as the ever popular "Titanic" award for the best sinking. For more information contact Dr. Calvin Tolstedt at 760-7356 or Kevin Wilkinson at 763-8162."*

SAFETY PRECAUTIONS

In working with the Lion's Club, the following are those items that will be employed to ensure that the cardboard boat races are a success, and a fun and safe community activity:

- All contestants will be required to wear a US Coastguard approved life preserver.
- A safety boat will be in the water at all times when another water craft is in the water and that boat will have two people to assist people to shore in the event of a cardboard boat not being able to make it to the finish line. The safety boat will have a CPR certified individual on board at all times.
- Several CPR certified and Registered Nurses will be on site in case of emergencies.
- There will be individuals present to assist competitors in and out of the water with their cardboard boats to ensure no one slips or falls on the rocks.
- A permission form will be signed by every individual competing in the event and signed by a guardian if the participant is not a legal adult.
- There will be two courses, a short one for children under 12 and a longer course for adults.
- A truck will be provided to remove any trash and all remnants of the cardboard boats after the race to ensure the area is clean upon completion of the event.
- Alliance Lions Club members have been a part of this activity since the first year as contestants and working as the safety boat crew. We hope to make this event an Alliance tradition that gives families a safe, fun activity on July 4th.

The Lion's Club has also met the requirement of submitting the Certificate of Insurance with the City as the named insured.]

Motion by Councilman Benzel, seconded by Councilman Lewis to approve Resolution No. 12-51 which follows in its entirety:

RESOLUTION NO. 12-51

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WHEREAS, The Alliance Lion's Club is requesting the use of Laing Lake to conduct the Annual Lunatic Races on Wednesday, July 4, 2012 beginning at 10:30 a.m.; and

WHEREAS, The Alliance Lion's Club has provided the City of Alliance a list of the safety precautions to be followed for the event; and

WHEREAS, The required Certificate of Insurance naming the City of Alliance, Nebraska as an additional insured on their policy has been provided.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that permission is granted to the Alliance Lion's Club to use Laing Lake on July 4, 2012 to conduct the Annual Lunatic Races.

Kevin Wilkinson, 1203 Big Horn Avenue, Alliance representing the Lion's Club was available for questions.

Roll call vote for Resolution No. 12-51 with the following results:

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

Voting Nay: None.

Motion carried.

- The next items to be discussed by Council were Resolution Nos. 12-52 and 12-53 regarding the donation acceptance from the Sallows Allies. Resolution No. 12-52 will accept a flat screen television to be mounted in the Sallows Military Museum to show the dedication of the airbase video. Resolution No. 12-53 will accept the donation of a border fence to be placed around the tank that is located on the north side of the Sallows Military Museum. City Manager Cox provided the following background information:

[The City is in receipt of a request to make two different donations to the Sallows Military Museum:

1. Flat Screen TV
2. Fencing

There is very little concern regarding the TV as it will enhance and replace a previous one.

With regards to the fencing, several months ago we received this request that including fencing with sharp tops. At the time, Council was concerned about the sharp-topped fence, but did signal interest in receiving the gift as long as it was acceptable to staff and insurance.

Since that time, the Sallows Military Museum Allies and our underwriters have researched the possibilities. A resolution has been reached with a determination that a flat-top fence would be acceptable.

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Two concerns remain:

1. The quality of the proposed fencing being such that it would endure (hold up to time, mowers and string trimmers - see #2 below)
2. The fencing being inserted into concrete that would be a mowing strip both for the purpose of long-term viability and also to prevent unsightly weeds growing up around the fence.]

Motion by Councilman Yeager, seconded by Councilman Benzel to approve Resolution No. 12-52 which follows in its entirety:

RESOLUTION NO. 12-52

WHEREAS, The City of Alliance owns and operates the Sallows Military Museum; and

WHEREAS, The Sallows Allies have requested to donate a flat screen television and wall mount bracket to be installed in the Sallows Military Museum to replace an existing television which is no longer operational; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the donation of a flat screen television and wall mount bracket to be installed in the Sallows Military Museum be accepted.

Mr. Ted Hempel, 1311 Buchfinck Avenue representing the Sallows Allies was available to answer questions or address concerns of the Council regarding both donations.

Roll call vote for Resolution No. 12-52 with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Yeager, seconded by Councilman Benzel to approve Resolution No. 12-53 which follows in its entirety:

RESOLUTION NO. 12-53

WHEREAS, The City of Alliance displays a tank on the north side of the Sallows Military Museum; and

WHEREAS, The Sallows Allies have requested to donate a fence to surround the tank, to indicate the tank is for display purposes only and to deter individuals from playing on the tank, and the installation costs; and

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WHEREAS, The Sallows Allies are also requesting to donate and install a sign providing information regarding the tank; and

WHEREAS, The City Council believes it is in the best interest of the City of Alliance to accept the donation from the Sallows Allies, if they agree to install these gifts in a manner which is acceptable to the City of Alliance. The City would like to have the fence and sign placed in concrete to prevent theft and vandalism and to provide easy mowing and trim free maintenance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the donation of a fence to surround the tank north of the Sallows Military Museum be accepted, if the Sallows Allies agree to the installation standards requested by the City of Alliance.

BE IT FURTHER RESOLVED to accept the donation of a sign, providing information about the tank, be accepted, if the Sallows Allies agree to the installation standards requested by the City of Alliance and following staff's approval of the sign design.

Roll call vote for Resolution No. 12-53 with the following results:

Voting Aye: Yeager, Benzal, Lewis, Seiler, Feldges.

Voting Nay: None.

Motion carried.

- Resolution No. 12-54 approving the Interlocal Agreement for the Box Butte Fire Protection Mutual Finance Organization was the next item to be presented to Council. City Manager Cox provided the following background information:

[This resolution will renew an Interlocal Agreement between the Hemingford Rural Fire Department, Alliance Rural Fire Protection, City of Alliance, and the Village of Hemingford for the purpose of having a Mutual Finance Organization. Continuing this mutual group is required by the State, for the City to have access to state mutual finance/insurance monies. According to Fire Chief Troy Shoemaker, last year the City obtained \$55,864.26 of these funds.

Our County is eligible for state payment if it sets up an MFO and all parties agree to the same mill levy. This year, the parties have agreed to a mill levy of \$0.03395.

The fund is a result of a "fee" collected by the State Treasurer from Insurance companies that do business in the Nebraska. Last year, there were 37 MFOs in the state deemed eligible for sharing of the \$3.35 Million appropriated by the State Legislature. Once the amount is set by the Legislature, a percentage of the total eligible as compared with the total available is calculated for each county MFO. This year, our County MFO is eligible for \$117,460.

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The amount, then of this \$117,460, that the City of Alliance will be eligible for will be calculated in two parts: 1. Based upon our valuation as compared to the rest of the MFO; and 2. Based upon our population as compared to the rest of the MFO.

As mentioned above, last year, the City of Alliance prorated allocated amount was \$55,864.26.]

Motion by Councilman Seiler, seconded by Councilman Benzel to approve Resolution No. 12-54 which follows in its entirety:

RESOLUTION NO. 12-54

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

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

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

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

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

Roll call vote for Resolution No. 12-54 with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be considered by Council was Resolution No. 12-55 documenting the transfer of budget authority for projects which were not completed during our last fiscal year 2010-11 and carried forward to our current year. City Manager Cox provided the following background information:

[Prior to us learning last year from our auditors that a City may not encumber and "carryover" funds from uncompleted projects, we did just so. Upon learning of this in September, we prepared and Council approved Resolution No. 11-116 that acknowledged the \$370,300 shortfall.

All of the following were included in the "carryover" project resolution: remodeling, furnishings and telephone system for the new Police Annex at 511 Niobrara Avenue; street overlay projects bid for 2011;

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the replacement of the roof on the fire hall; and the heating, ventilation and air conditioning replacement and associated electrical upgrades and tuck pointing for the Municipal Building.

As a result, the following (\$370,300) were included in the September 26, 2011 resolution:

Police Department	511 Niobrara remodel	\$75,000.00
Police Department	511 Niobrara Phone System	\$35,000.00
Fire Department	Roof replacement	\$41,100.00
Streets	Overlay	\$90,900.00
Municipal Building	HVAC	\$45,100.00
Municipal Building	Electrical	\$47,800.00
Municipal Building	Tuck Pointing	\$35,400.00
BID Furniture		(Not Included - \$10,000)

*** NOTE**** We are not requesting to transfer cash, but instead simply the budget authority that already exists.

The following represents a transfer of budget authority from the Sweetwater Project and the Contractual Services into several Capital and Operating accounts.

			Requested
Police Department	511 Niobrara Remodel	\$75,000.00	
Police Department	511 Niobrara Phone System	<u>\$35,000.00</u>	\$50,205
Fire Department	Roof replacement	<u>\$41,100.00</u>	\$30,000
Streets	Overlay	<u>\$90,900.00</u>	\$200,000
Municipal Building	HVAC	\$45,100.00	
Municipal Building	Electrical	\$47,800.00	
Municipal Building	Tuck Pointing	<u>\$35,400.00</u>	\$90,000

BUDGET AUTHORITY TRANSFERS		Amount				
Account Number	Account Name	To	From	Type	Justification	
41-37-37-59-970	Capital Outlay Other Improvements - Fire	+30,000		Capital	Fire Hall Roof Carryover	(1)
41-41-46-59-970	Capital Outlay Other Improvements - Muni	+90,000		Capital	Muni Hall Carryover	(2)
41-71-71-59-970	Capital Outlay Other Improvements - Parks	+20,000		Capital	Softball Complex	(3)
24-41-41-44-471	Asphalt Street Repair	+200,000		Operating	Asphalt Project Carryover	(4)
28-61-67-45-526	BID Outdoor Furniture	+5,000		Capital	Streetscape Bench Carryover	(5)
28-61-68-45-426	BID Outdoor Furniture	+5,000		Capital	Streetscape Bench Carryover	(5)
24-41-41-51-935	Sweetwater Project		-350,000	Capital	Portion of Project Delayed	(6)
Account Number	Account Name		Amount	Type	Justification	
01-31-31-59-915	Capital Outlay - Building Police	+20,000		Capital	Police Annex Carryover	(7)
01-31-32-44-470	Contractual Services		-20,000	Operating	Meth Lab Abatement Unnecessary	(7)

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- (1) Fire hall roof was a carryover project from prior year. Transfer allows progress on fire hall remodel planning.
- (2) Final pmt of municipal building projects from prior year. Only requesting \$90K of \$125K projects be transferred.
- (3) Transfer of spending authority for softball complex concrete upgrades. Increases cash reserves in street funds.
- (4) Transfer of streets funds from capital projects to asphalt street repair to cover carryover projects.
- (5) Transfer of \$10K spending authority to cover carryover payments not included in current year budget.
- (6) Excess budget authority for delayed Sweetwater project utilized to cover other budgetary needs.
- (7) Operating budget for meth lab removal not required transfer to Capital to cover balance of Police Annex remodel.

(Note: The remaining portion of the Police Annex remodel carryover will be covered by the excess Sleuth authority.)

The final matter accomplished by this resolution is the granting of retroactive approval to the expenditure of the last \$10,000 of BID funds for the purchase of furniture for the downtown area. When Resolution 11-116 was approved, this item for \$10,000 was not yet known, nor included.]

Motion by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 12-55 which follows in its entirety:

RESOLUTION NO. 12-55

WHEREAS, The City of Alliance is obligated to prepare financial statements in accordance with GASB standards; and

WHEREAS, Such accounting standards limit the ability to encumber funds for projects that were planned to be completed in the current fiscal year and does not automatically allow the transfer of budget authority into the next fiscal year; and

WHEREAS, The adopted 2011-2012 budget for the City of Alliance did not include the following projects in process: Remodeling, furnishings and telephone system for the new police annex at 511 Niobrara Avenue; street overlay projects bid for 2011; the replacement of the roof on the fire hall; and the heating, ventilation and air conditioning replacement and associated electrical upgrades and tuck pointing for the Municipal Building and the Downtown Improvement Boards purchase of furniture for the downtown area; and

WHEREAS, City Council planned to expend funds from the General Fund Balance, as referenced in Resolution No. 11-116, to complete these projects that were planned for 2010-2011 fiscal year in the 2011-2012 fiscal year even though they are not specifically included in the adopted budget; however, we are now transferring the budget authority from the Sweetwater Project and the Contractual Services into several Capital and Operating accounts for the actual levels required.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the following projects continue to be completed in the 2011-2012 fiscal year and the following budget authority transfers will be made:

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BUDGET AUTHORITY TRANSFERS		Amount				
Account Number	Account Name	To	From	Type	Justification	
41-37-37-59-970	Capital Outlay Other Improvements - Fire	+30,000		Capital	Fire Hall Roof Carryover	(1)
41-41-46-59-970	Capital Outlay Other Improvements - Muni	+90,000		Capital	Muni Hall Carryover	(2)
41-71-71-59-970	Capital Outlay Other Improvements - Parks	+20,000		Capital	Softball Complex	(3)
24-41-41-44-471	Asphalt Street Repair	+200,000		Operating	Asphalt Project Carryover	(4)
28-61-67-45-526	BID Outdoor Furniture	+5,000		Capital	Streetscape Bench Carryover	(5)
28-61-68-45-426	BID Outdoor Furniture	+5,000		Capital	Streetscape Bench Carryover	(5)
24-41-41-51-935	Sweetwater Project		-350,000	Capital	Portion of Project Delayed	(6)
Account Number	Account Name		Amount	Type	Justification	
01-31-31-59-915	Capital Outlay - Building Police	+20,000		Capital	Police Annex Carryover	(7)
01-31-32-44-470	Contractual Services		-20,000	Operating	Meth Lab Abatement Unnecessary	(7)

(1) Fire hall roof was a carryover project from prior year. Transfer allows progress on fire hall remodel planning.

(2) Final pmt of municipal building projects from prior year. Only requesting \$90K of \$125K projects be transferred.

(3) Transfer of spending authority for softball complex concrete upgrades. Increases cash reserves in street funds.

(4) Transfer of streets funds from capital projects to asphalt street repair to cover carryover projects.

(5) Transfer of \$10K spending authority to cover carryover payments not included in current year budget.

(6) Excess budget authority for delayed Sweetwater project utilized to cover other budgetary needs.

(7) Operating budget for meth lab removal not required transfer to Capital to cover balance of Police Annex remodel.

(Note: The remaining portion of the Police Annex remodel carryover will be covered by the excess Sleuth authority.)

Roll call vote for Resolution No. 12-55 with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's discussion was Resolution No. 12-56 the Lot Sale Availability and Pricing of Lot C, Block 4, Meadowood Addition. City Manager Cox provided the following background information:

[The City has been approached regarding selling Lot C of the Meadowood Addition (located near the intersection of 11th and Meadowlark Avenue as shown on the map

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included in your packet). This area was set aside in November 1998 to be a park. However since that time, the park has not materialized.

The City is in need of additional housing. A property owner in the area would like to purchase the property and build a home.

The proposed resolution would authorize staff to move forward in fairly advertising the property for sale and would allow the resident to fairly bid to acquire the property. It would further make the sale of the lot to be consistent with the sale price of other comparable properties as set out in Resolution No. 07-23, which listed properties in the Grovefield, Homestead, Lakefield and Hammond Additions. As such, the minimum bid for this lot would be \$12,535.25 (of which, \$2000 would be eligible for a refund if a residence was constructed within two years of the purchase date.

Should Council not desire to sell this property currently, staff would suggest this matter be referred to the Planning Commission for consideration as part of the Comprehensive Plan.]

Motion by Councilman Benzel, seconded by Councilman Seiler to approve Resolution No. 12-56 which follows in its entirety:

RESOLUTION NO. 12-56

WHEREAS, The City of Alliance owns Lot C, Block 4, Meadowood Addition to the City of Alliance, Nebraska; and

WHEREAS, The City of Alliance previously reserved this lot for the future development of a recreational park which has not been initiated within the last fourteen years; and

WHEREAS, Interest has been expressed of the availability to purchase this property for the construction of a residential residence; and

WHEREAS, The City of Alliance has an uniform pricing schedule for City-owned lots to be sold "as is" without investment of any additional City resources. The pricing for this lot would be \$12,532.25 of which \$2,000.00 could be refunded if a residence was constructed within two years of the purchase date.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Lot C, Block 4, Meadowood Addition would be made available for purchase through a sealed bid process with a minimum bid of \$12,532.25.

Mike Shannon, 1105 Meadowlark Avenue appeared before Council and informed them he was the interested party in purchasing this lot. Mr. Shannon stated he did not believe the lot was worth \$12,000.00 and would like to offer the City \$8,000.00. He also stated he would prefer the property be made a park if that was an option in the near future over purchasing the property to build a home.

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A motion was made by Councilman Benzel to amend the resolution by deleting the fourth “Whereas” paragraph and to change the minimum bid requirement to \$8,000.00 instead of \$12,532.25. The motion was seconded by Councilman Lewis. Both the motion and the second were later withdrawn.

Roll call vote on the original Resolution No. 12-56 with the following results:

Voting Aye: Benzel, Yeager.

Voting Nay: Lewis, Feldges, Seiler.

Motion failed.

Council requested staff to research the market value for the lot and check the Comprehensive Plan for the proposed land usage.

- Mayor Feldges stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:42 p.m.”

Fred Feldges, Mayor

(SEAL)

Linda S. Jines, City Clerk