

August 2, 2012

## ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, AUGUST 2, 2012

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

The Alliance City Council met in a Regular Meeting, August 2, 2012 at 8:00 a.m., in the Board of Education Meeting Room, 1604 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on July 26, 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 August 2, 2012 Regular Meeting of the Alliance, Nebraska City Council at 8:00 a.m. Present were Mayor Feldges, Council Members Benzel, Lewis, and Seiler. Absent was Council Member Yeager. Also present were City Manager Cox, City Attorney Olsen, and City Clerk Jines.

- A motion was made by Councilman Benzel, which was seconded by Councilman Lewis to excuse Councilman Yeager from the meeting as he was out of town.

Roll call vote for with the following results:

Voting Aye: Benzel, Seiler, Lewis, Feldges.

Voting Nay: None.

Motion carried.

- Mayor Feldges read the Open Meetings Act Announcement.
- The first item on Council's agenda was the introduction of Lynn Armstrong our new Utility Customer Service Clerk.

August 2, 2012

● The second item on Council's agenda was the Consent Calendar. Councilman Benzel made a motion, which was seconded by Councilman Seiler to approve the Consent Calendar which follows in its entirety:

**CONSENT CALENDAR – AUGUST 2, 2012**

1. Approval: Minutes of the Budget Workshops, July 19 and 23, 2012; and the Regular Meeting, July 19, 2012.
2. Approval: Payroll and Employer Taxes for the period July 7, 2012 through July 20, 2012 inclusive: \$179,979.55 and \$12,803.08 respectively.
3. Approval: Claims against the following funds for the period July 12, 2012 through July 26, 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; \$1,057,083.04.
4. For Your Information: Attached is a listing of Demand Checks which were generated over the last financial quarter ending June 30, 2012. The report lists checks that have been issued which are not expenses within the budget. These are primarily made up of meter deposit refunds, utility overpayments and an occasional check which was required to be reissued.
5. Approval: The transfer of \$750.00 from the Refuse Fund operating budget, Account No. 06-41-42-44-482 to the Refuse Fund capital budget, Account No. 06-41-42-59-950. This is being done to allow the completion of additional refuse containers (to the break point) with the savings recognized on the refuse truck order.
6. Approval: The issuance of the following Cemetery Certificates:
  - To Jerry and Irene Seidler the Northwest Quarter (NW1/4) Lot Eight (8), Section Five (5), Block Five (5), Original Plat to the Alliance Cemetery.
  - To Larry and Connie Seidler the Northeast (NE1/4) Lot Eight (8), Section Five (5), Block Five (5), Original Plat to the Alliance Cemetery.
  - To Dale Seidler the South Half of the Southwest Quarter (S1/2SW1/4) Lot Eight (8), Section Five (5), Block Five (5), Original Plat to the Alliance Cemetery.
  - To Jason Seidler the Southeast Quarter (SE1/4) Lot Eight (8), Section Five (5), Block Five (5), Original Plat to the Alliance Cemetery.
  - To Alice L. Allen, Lot One (1) and Lot Two (2), Section One (1), Block Twenty-eight (28), Alliance Cemetery Fourth Addition.

August 2, 2012

7. For Your Information: Attached are draft minutes of the Alliance Community Development Agency for your review. The final version will be placed on the next agenda of the Alliance Community Development Agency, whenever that may be, for your official approval as that group.
8. For Your Information: Box Butte General Hospital will be conducting the Alliance Dirty Dash Adventure Run on October 27, 2012 with the cooperation of the City of Alliance and our Activities Committee. This Run will consist of two endurance activities (running and biking) as well as 13 other obstacles along the way. Each team will be given a map with all 14 of the checkpoints on the map and must complete all of the checkpoints to finish the Run. The course will involve the use of the City parks and walking trail. The safety measures which were required for the cardboard boat races held at Laing Lake will also be required for this event. The original request included street closures at various street crossing points along the route, it was determined that the group will provide crossing guards at these points as it will be impractical to have law enforcement available at multiple locations for the period of time involved to complete the event. The City of Alliance is being listed as an additional insured on the required insurance coverage.

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.

- The next agenda item was the City Manager's Report by J.D. Cox which follows in outline form:
  - The chlorine pump for the water system was inoperable for a period of time and the City has ordered a spare.
  - Staff is working with the Box Butte County Commissioners to schedule a Joint Meeting sometime in mid to late September.
  - A KENO representative was recently in Alliance and is actively recruiting for new locations to conduct KENO.
  - Our new Planner will be starting on August 14, 2012.
  - The Annual R.S.V.P. Appreciate Dinner will be held at the Eagles beginning at 5:30 p.m. on August 24, 2012.
  - A follow-up telephone conference will be held soon on the WAPA matter.
- Finance Director Randy Waggener presented the 3<sup>rd</sup> Quarter Financial Report.

Motion by Councilman Benzel, seconded by Councilman Lewis to accept the Third Quarter Financial Statement as presented.

Roll call vote with the following results:

Ayes: Benzel, Lewis, Feldges, Seiler.

Nays: None.

August 2, 2012

Motion carried.

- The first reading of Ordinance No. 2709 which will adopt the proposed 2012-2013 Budget, was the next item for Council's review. City Manger Cox provided the following background information:

### **Overall Assumptions and Comments**

- **Property Taxes.** The base property levy is assumed to remain at the same \$0.38 as last year. Additionally, property valuations are anticipated to increase by an estimated 3.24%, which will result in additional property tax revenue of the same percentage. The projected amount of \$1,350,000 will fund general, fire, public safety and airport operating and sinking fund budgets. The assumed increase was based upon recent history which has shown valuations to have risen on an average of 3.1% annually over the past six years.
- **Local Option Taxes.** Local option (city sales) taxes are projected at \$1,900,000 with \$2,000,000 budgeted to be transferred from the sales tax fund which has accumulated excesses over the past few years. The transfer amount is approximately \$100,000 (or 5.3%) higher than the 2011-12 budget. Of the \$2,000,000 transfer, \$1,300,000 will become general funds, \$625,000 for street improvements and \$75,000 for economic development.
- **Enterprise Fees.** Enterprise fees transferred to the general fund are retained at the level of 12% of budgeted fee revenue. This source is anticipated to provide \$1,639,000 toward the general fund operations.
- **Salaries and Benefits.** Salaries are budgeted with a 3.5% cost-of-living adjustment (COLA) compared to a 1% included in the prior budget year. Payments into the health insurance fund are increased 10% and workers compensation rates are increased by 5%. Authorized strength is decreased by 2.14 FTE with the elimination of the full-time legal counsel and MIS director in lieu of outsourced services. The part time chef was added with a utility service clerk position replaced as a part-time position.
- **Capital Projects.** Capital projects of almost \$11.3 million are included in the plan with the majority being a major airport runway project and several major street projects discussed later in the narrative. The budget includes just over \$1 million of projects carried forward from the prior year and compares to a capital budget of almost \$5.4 million for 2011-12. Several of the larger projects are contingent upon approved funding proposals and scheduling of the improvements.
- **Contingency "Reserves".** Contingency reserves were increased by 15% with the reinstatement of the community betterment reserve of \$20,000 which was eliminated in the prior year's budget and the addition of a \$30,000 public safety reserve in the event of an unexpected capital need. The recycling contingency of \$19,000 will be included as part of the refuse fund budget and supported by a contract for services.
- **External Debt.** External debt is scheduled to be decreased by just over \$1,000,000 leaving a balance of \$7,200,000 by fiscal year-end. As a note, the highest recent external debt level was just over \$12,000,000 at fiscal year-end 2008. Only approximately

August 2, 2012

\$192,000 constitutes general fund debt with the remaining debt related to utility enterprise funds.

- **Economic Development.** The City's primary economic development focus will be on the Downtown Revitalization (Streetscape) Project. To complete the project in the next fiscal year, and as allowed by the City's Economic Development Plan, sales tax revenues normally destined for the Capital Projects, LB840 and Demolition, are being directed to the Streets Fund to complete the Downtown Revitalization Project (see Street Fund below).

### **General Fund**

- **School Resource Officer.** The reimbursement of approximately \$38,000 from the Alliance Public Schools for the School Resource Officer has been eliminated. Other revenue sources are being considered to offset this lost revenue.
- **Police Operations.** Additional facility expenses are budgeted to cover the new Police Annex costs as well as changes anticipated in the Law Enforcement Center contract with Box Butte County. Just over \$15,000 was added to support the new software obtained through the grant-funded computer system upgrades last year. In addition to the routine capital expenditures, funds are included to replace the aged alarm monitoring panel (\$21,000), upgrade a small copier (\$4,000) and add a separate server (\$3,200) for resiliency of the new computer system.
- **Community Development Planner.** A total of \$40,000 is included for the contracted services of a City Planner with the City of Scottsbluff.
- **Outdoor Warning Sirens.** A grant application through FEMA may allow the City to expedite the replacement of four outdoor warning sirens. This funding for 75% of the total \$80,000 is anticipated in the budget.
- **Tourism Activities.** The Tourism Department activities will be fully funded by the lodging occupation tax of 6%. A total of \$210,000 is scheduled to be transferred from the lodging tax fund, with \$150,000 from current anticipated revenues and the remaining \$60,000 from reserves to be used toward additional way-finding signage and entryway improvements.

### **Enterprise Funds**

- **Rates.** Electric rates will be increased in accordance with the two-year ordinance adopted during last year's budget process. The Electric Fund is still anticipated to net a negative return for the year as was projected in the rate plan from 2008. A new plan will be contracted during the 2012-13 fiscal year. Rates for Sewer, Refuse and Water Funds are anticipated to be limited to the 1% annual allowance recently implemented.
- **Capital Projects.** Capital projects account for \$1,456,000 of the expenditures for the enterprise funds. Utility service reliability continues to be a primary goal of the City with \$750,000 included in the budget for substation upgrades (including source redundancy, distribution system reclosure and switches and urban and rural rebuilds). The Refuse Fund budget includes \$134,000 for the purchase of a garbage collection truck which is a carry forward item from the prior year and \$60,000 toward the ongoing replacement of aging trash receptacles. A total of \$100,000 is dedicated to facility improvements at the

August 2, 2012

landfill. Water line upgrades of almost \$127,000 (golf course, airport and Laramie Avenue) and sewer line additions at the airport in the amount of \$30,000 are also included.

### Miscellaneous Funds

- **Airport Fund.** The Airport Fund includes adjustments for the promotion of the Airport Manager (part-time) as well as additional operating expenses for the ARFF building and fire truck. A runway rejuvenation project estimated at \$5,090,000 (funded 90% by the FAA and 10% from the Airport Sinking Fund) is anticipated within the next several years and is included along with \$450,000 for a proposed additional hangar. The inclusion of costs for de-icing equipment and supplies is intended to reduce commercial flight cancellations. Funds are also included to repair buildings on the airport property.
- **Street Fund.** The 20% City share of four Federal street projects (Emerson, Potash, East Tenth and Meadowood Trail) is included at an estimated total of \$695,500. In addition, the Box Butte Avenue Streetscape (Downtown Revitalization) project is included at a cost of \$1,158,800 including the historic street lighting which is 80% grant funded. (Engineering fees of an additional \$65,000 are carried forward.) Funding for the Streetscape is anticipated through city sales tax (\$425,000) and electric funds (a transfer of \$158,800 and ten-year loan of \$575,000). Finally, \$1,200,000 is included for the completion of Sweetwater contingent upon cost estimates and funding sources. With the expense of accumulated reserves for the four Federal projects, asphalt and concrete maintenance budgets have been scaled back from the prior year.
- **Golf Course.** General operating results of the golf course are relatively unchanged in the 2012-13 Budget. Funds are included for a new greens mower (\$24,000) and for replacement of the HVAC system (\$40,000).
- **Retired and Senior Volunteer Program (RSVP).** Federal funding for this program continues to be restricted. Efforts are underway to increase the support base for the RSVP program through the enlistment of financial contributions from specific entities benefiting from RSVP services and other corporate sponsors.
- **Community Block Grant.** Authority is included to pursue community development and housing funding up to \$500,000. Affordable housing is an identified need for the City of Alliance and this will help increase the pool of available quality homes.
- **LB840.** Funding is scheduled to be completed for three projects started in 2011-12 in the amount of \$411,200. An additional \$200,000 is allowed for potential projects. No additional provisions are included for the 2012-13 as excess reserves are being allowed to be decreased.
- **Redevelopment (TIF) Fund.** The original TIF project in Alliance was completed in 2012; however, the three remaining projects (including two first-year payments) will generate almost \$200,000 in additional payments passed through the fund in 2012-13.
- **Capital Projects Fund.** The Capital Projects fund will not be increased during the upcoming fiscal year. A total of \$288,000 is appropriated with \$100,000 for ongoing Municipal Building and Fire Station improvements; \$55,000 for park shelter remodeling, dock replacement and softball field upgrades; \$50,000 for air conditioner upgrades (airport and library); \$75,000 for library roof replacement (or repair); and \$8,000 for Law Enforcement Center parking lot repaving.

August 2, 2012

Motion by Councilman Benzel, seconded by Councilman Seiler to approve the first reading of Ordinance No. 2709. City Clerk Jines read the Ordinance by title which follows in its entirety:

**ORDINANCE NO. 2709**

AN ORDINANCE TERMED "THE ANNUAL APPROPRIATION BILL" TO PROVIDE REVENUE FOR MUNICIPAL PURPOSES OF THE CITY OF ALLIANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013, BY IMPOSING A TAX ON ALL PROPERTY WITHIN THE CITY, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS.

WHEREAS, The City Manager, in accordance with the requirements of Chapter 1, Article 2, Section 1-205, of the Municipal Code of the City of Alliance, Nebraska, has submitted to the City Council a preliminary budget. This preliminary budget being submitted to the City Council on July 16, 2012, upon which workshops were held on July 19 and 23, 2012 and a proposed budget was produced. A public hearing will be held on said proposed budget on August 21, 2012, as required by law; and

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

SECTION 1. The budget for the fiscal year beginning October 1, 2012, submitted to and amended by the City Council, is hereby adopted.

SECTION 2. In order to provide revenue for municipal purposes, the following property tax revenues have been established for the City of Alliance:

	<b>CITY</b>	<b>MFO</b>	<b>AIRPORT</b>	<b>PUBLIC SAFETY</b>	<b>AIRPORT SINKING</b>	<b>TOTAL</b>
Budget Amount	972,100	119,400	131,900	105,500	21,100	1,350,000
1% Treasurers Fee	9,721	1,194	1,319	1,055	211	13,500
Delinquent Allowance (5%) (can be up to 5%)	48,605	5,970	6,595	5,275	1,055	67,500
<b>Total Property Tax Request:</b>	<b>1,030,426</b>	<b>126,564</b>	<b>139,814</b>	<b>111,830</b>	<b>22,366</b>	<b>1,431,000</b>

Using the following tax levies:

August 2, 2012

	<b>CITY</b>	<b>MFO</b>	<b>AIRPORT</b>	<b>PUBLIC SAFETY</b>	<b>AIRPORT SINKING</b>	<b>TOTAL</b>
Proposed 2013	_____	_____	_____	_____	_____	_____

SECTION 3. In accordance with Reissue Revised Statutes Nebraska Chapter 16, Section 704, the following amounts shall be and hereby are recognized as the budget for the City of Alliance, Nebraska for the fiscal year 2013.

General	6,381,600
Electric	12,597,000
Refuse	1,361,400
Sewer	443,100
Water	1,876,700
Golf Course	345,800
Airport Operations	5,966,300
Streets	4,325,100
RSVP	98,100
BID #1 and #2	8,800
Nuisance Cleanup	6,600
HUD/CDBG	500,000
Community Betterment (KENO)	38,200
Economic Development	85,000
LB 840 Fund	614,700
Redevelopment (TIF)	200,000
Sales Tax Fund	2,000,000
Tourism & Promotion	210,000
Capital Projects	333,000
Public Safety Tax	90,000
State 911 Funds	20,300
General Internal Service	1,161,200
Enterprise Internal Service	604,700
Health Support Internal Service	1,761,400
General Debt Service	78,600
Airport Capital Reserve	509,400
<i>Gross Expenditures</i>	41,617,000

There is hereby included \$100,000 within the General Fund Budget [City Council Activity], \$10,000 within the General Fund Budget [Police Grant] \$60,000 within the Electric Fund, \$50,000 within the Water Fund, \$25,000 within the Sewer Fund, \$15,000 within the Refuse Fund, \$5,000 within the Airport Fund, \$50,000 within the Streets Fund; \$20,000 within the Community Betterment Fund; and \$30,000 with the Public Safety Fund to be known as "Contingency." Expenditures from any Contingency will not be authorized without an affirmative vote of the City Council for each amount to be expended.

August 2, 2012

SECTION 4. The City has a total of Unused Restricted Funds Authority of \$\_\_\_\_\_ for Fiscal Year 2013.

SECTION 5. The tax levied under this Ordinance shall become due and payable, shall become delinquent and shall be subject to penalties, the execution of distress warrants and sale of property levied upon as provided by law.

SECTION 6. The City Clerk is hereby authorized and directed forthwith upon the passage, approval and publication of this Ordinance to forward a certified copy thereof to the County Clerk of Box Butte County, Nebraska.

SECTION 7. This Ordinance shall become effective October 1, 2012.

Roll call vote for Ordinance No. 2709 with the following results:

Voting Aye: Benzel, Seiler, Lewis, Feldges.

Voting Nay: None.

Motion carried.

- Ordinance No. 2710 approving the Preliminary Plat of Lots 2A and 3A, Block 1, Starlite Additions, a Subdivision of Parts of Lots 2 and 3, Block 1, Starlite Addition to the City of Alliance, Box Butte County, Nebraska was the next matter to be addressed by Council. City Manager Cox provided the following background information:

[Dollar General is proposing to build a new store on Flack Avenue. In order to accomplish such in the location desired, a couple of items must be completed:

1. A Final Plat at 711 Flack (Block 1, Starlite Addition, Lot 3A must be filed and approved.
2. Rezone a parcel of land that was purchased from Good Samaritan from RP3 (which is the equivalent of Single Family Residential) to C-3 Highway Commercial.

The Planning Commission met on July 10 to take up these matters. A public hearing by the Planning Commission was first held and no comments were offered.

The Planning Commission then approved sending the matter to City Council with a recommendation that the requests be approved.]

Motion by Councilman Seiler, seconded by Councilman Benzel to approve the first reading of Ordinance No. 2710. City Clerk Jines read the Ordinance by title which follows in its entirety:

#### ORDINANCE NO. 2710

AN ORDINANCE APPROVING THE PRELIMINARY PLAT OF LOTS 2A AND 3A, BLOCK 1, STARLITE ADDITION, A SUBDIVISION OF PARTS OF LOTS 2 AND 3,

August 2, 2012

BLOCK 1, STARLITE ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA.

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

SECTION 1. The City of Alliance has received the application for approval of the Preliminary Plat of Lots 2A and 3A, Block 1, Starlite Addition, a Subdivision of Parts of Lots 2 and 3, Block 1, Starlite Addition to the City of Alliance, Box Butte County, Nebraska from HODGI, LLC.

SECTION 2. The Planning Commission held a public hearing July 10, 2012, and has recommended the approval of the Preliminary Plat.

SECTION 3. The Preliminary Plat contains information required by the City Code at Section 11-305, which is relevant to this request.

SECTION 4. The Preliminary Plat of Lots 2A and 3A, Block 1, Starlite Addition, a Subdivision of Parts of Lots 2 and 3, Block 1, Starlite Addition to the City of Alliance, Box Butte County, Nebraska, is hereby approved and the subdividers are authorized to proceed with any required public works elements and preparation of a Final Plat.

SECTION 5. This approval shall expire one year from this date unless the Final Plat has been submitted. This approval does not constitute Final Plat approval or guarantee the approval of the subdivision by the City Council or the City Council's authorization to proceed with construction of improvements within the subdivision.

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

David Staab, 3103 Brentwood Boulevard, Grand Island, NE informed Council that he was selling the property to the applicant and how the property was to be platted.

City Attorney Olsen stated the Final Plat will need to show the rededication of the 7<sup>th</sup> Street, electric easement on the east end of the property, and the easement over the existing sewer on the west side of the property.

Roll call vote for Ordinance No. 2710 with the following results:

Voting Aye: Seiler, Benzel, Lewis, Feldges.

Voting Nay: None.

Motion carried.

- The next matter before Council was a Public Hearing was the first reading of Ordinance No. 2711 on the rezoning request of the Evangelical Lutheran Good Samaritan Society from RP-3 which is equivalent of R1-A Single Family Residential to C-3 Highway.

August 2, 2012

Mayor Feldges stated “now is the date, time, and place to conduct a public hearing on the application of The Evangelical Lutheran Good Samaritan Society for the rezoning of Lot 3A, Block 1, Starlite Addition, A Subdivision of Parts of Lots 2 and 3, Block 1, Starlite Addition to the City of Alliance, Box Butte County, Nebraska, is now included as a C-3 Highway Commercial District from a RP-3 Planned Single Family Residential District.”

The public hearing opened at 8:50 a.m., hearing no testimony the public hearing was closed at 8:51 a.m.

Motion by Councilman Lewis, seconded by Councilman Seiler to approve the first reading of Ordinance No. 2711. City Clerk Jines read the Ordinance by title which follows in its entirety:

#### ORDINANCE NO. 2711

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, AMENDING THE DISTRICT ZONING MAP TO SHOW THAT LOT 3A, BLOCK 1, STARLITE ADDITION, A SUBDIVISION OF PARTS OF LOTS 2 AND 3, BLOCK 1, STARLITE ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, IS NOW INCLUDED AS A C-3 HIGHWAY COMMERCIAL DISTRICT FROM A RP-3 PLANNED SINGLE 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 \_\_\_\_ day of \_\_\_\_\_, 2012, is now the official Zoning District Map.

August 2, 2012

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 for Ordinance No. 2711 with the following results:

Voting Aye: Lewis, Seiler, Feldges, Benzel.

Voting Nay: None.

Motion carried.

- The next matter before Council was a Public Hearing and the first reading of Ordinance No. 2712, on the rezoning request of Scott Bolinger to rezone Lot 28, County Addition to the City of Alliance from R-1 Single Family Residential to R-3 Multi-Family Residential. City Manager Cox provided the following background information:

[Scott Bolinger is proposing to rezone the block containing the former Central School from R-1 Single Family Residential to R-3 Multi-Family Residential.

The Planning Commission also took up this matter on July 10. Although the Dollar General rezoning matter discussed earlier had no one speaking in opposition, there were several neighbors who appeared before the Planning Commission to express concerns regarding the request.

Those present voiced concern regarding the low rent being contemplated for the property is inconsistent with what the property should bring. Many concerns were also voiced concerning whether the property would be properly maintained, especially in relation to the rest of the neighborhood.

Of the letters and notices sent out to all citizens within the area, fifteen were returned with nine opposed to the plan and six in favor.

After discussion, the Planning Commission voted and was unable to muster the votes necessary to send the matter forward with an approval recommendation. The comments made then were that the plan was not solid enough to garner support.

With this in mind, and absent a really standout reason to do otherwise, it would not be a good practice for Council to approve such a controversial matter without the backing and recommendation of Planning Commission. I would suggest the plan as currently proposed be declined with the recommendation that Mr. Bolinger return to the Planning Commission with a more palatable plan that they would approve.]

August 2, 2012

Mayor Feldges stated “now is the date, time, and place to conduct a public hearing on the application of Scott Bolinger to rezone Lot 28, County Addition to the City of Alliance from R-1 Single Family Residential to R-3 Multi Family Residential.

The public hearing opened at 8:53 a.m. Scott Bolinger, 507 Niobrara Avenue, appeared before Council and distributed a new Business Plan and a copy of his Promissory Note with Matthew Broderick for the purchase of the property. Mr. Bolinger stated that he was no longer pursuing the development of storage units within the facility. Mr. Bolinger also responded to City Attorney Olsen’s question that the only office unit in the facility would be for his personal use, as he is no longer desires to utilize the building for anything other than apartments.

City Manager Cox requested Mr. Bolinger provide documentation of the transfer of property into his ownership, as an owner of the property must be the applicant for the rezoning.

No additional testimony was offered and the public hearing closed at 9:12 a.m.

Motion by Councilman Lewis, seconded by Councilman Seiler to return this request to the Alliance Planning Commission for further review of the updated Business Plan.

Roll call vote for Ordinance No. 2712 with the following results:

Voting Aye: Benzel, Seiler, Lewis, Feldges.

Voting Nay: None.

Motion carried.

- The next item on Council’s agenda was a Public Hearing to consider the Class A Liquor License Application of High Plains Pizza Hut, Inc. and the appointment of Bruce A. Lundy as the liquor license manager for Pizza Hut of Alliance located at 707 Flack Avenue, Alliance, Nebraska. City Manger Cox provided the following background information:

[Our attorney, Howard Olsen, will be present to conduct a hearing and assist Council in obtaining a level of comfort concerning this application.

Testimony will be heard (including from Police Chief John Kiss) and the following exhibits that will be provided: Exhibit 1 – Application of High Plains Pizza Hut

Exhibit 2 - Application of Bruce Lundy for Manager’s License.

Exhibit 3 - City Council checklist for Section 53-132 R.R.S. (1984).

Exhibit 4 - Written statement of Police Chief.

To approve the application, it is Council’s obligation to make the findings:

1. Applicant complies with the provisions of Section 53-131.01 R.R.S. (2003).
2. Applicant has met its burden with regard to the checklist that is provided by Section 53-132 R.R.S. (1984) and demonstrates a willingness and ability to properly manage the

August 2, 2012

liquor license held by Pizza Hut in conformance to the rules and regulations of the Nebraska Liquor Control Act.

3. Based on the above findings, the City Council recommends to the Nebraska Liquor Control Commission that the application of Staab's for the liquor license to be held by High Plains Pizza Hut Inc. located at 707 Flack Avenue.]

Mayor Feldges stated "now is the date, time, and place to conduct a public hearing on the Class A Liquor License Application of High Plains Pizza Hut, Inc., and the appointment of Bruce A. Lundy as the liquor license manager for Pizza Hut of Alliance located at 707 Flack Avenue, Alliance, Nebraska.

The public hearing opened at 9:15 a.m. Mayor Feldges swore in Bruce Lundy and Police Chief John Kiss to provide testimony on this matter.

Motion by Councilman Benzel, seconded by Councilman Lewis to accept Exhibit 1 – Application of High Plains Pizza Hut; Exhibit 2 - Application of Bruce Lundy for Manager's License; Exhibit 3 - City Council checklist for Section 53-132 R.R.S. (1984); and Exhibit 4 - Written statement of Police Chief, into the record.

Roll call vote with the following results:

Ayes: Benzel, Lewis, Feldges, Seiler.

Nays: None.

Motion carried.

City Attorney Olsen asked Mr. Lundy to address Council and provide a summary of his background and ability to manage a liquor establishment.

Bruce Lundy, 1423 Boise Avenue, Alliance, reported the Alliance Pizza Hut was established in 1973 and there are 62 Pizza Huts. He stated he has been the manager of Pizza Hut since 1992 with a clean record. All his employees are required to participate in an on-line responsible beverage training program, all of his servers are required to check identifications on all customers and this program has been in place for numerous years.

Hearing no additional testimony the public hearing closed at 9:23 a.m.

A motion was made by Councilman Benzel, seconded by Councilman Seiler to approve Resolution No. 12-66 which follows in its entirety:

#### RESOLUTION NO. 12-66

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

August 2, 2012

On August 2, 2012, the matter of the Class A Liquor License application of High Plains Pizza Hut, Inc. and the Manager's License of Bruce A. Lundy for Pizza Hut of Alliance located at 707 Flack Avenue, Alliance, NE, came on for consideration by the Council.

The following exhibits were offered and received:

Exhibit 1 - Application of High Plains Pizza Hut, Inc. for a Class A Liquor License.

Exhibit 2 - Application of Bruce A. Lundy for a Manager's License.

Exhibit 3 - City Council checklist for Section 53-132 R.R.S. (1984).

Exhibit 4 - Written statement of Police Chief dated July 19, 2012.

Witnesses were sworn and testimony was received in support of the Class A Liquor License and the Manager's Application at the public hearing on this date from Bruce A. Lundy. Police Chief Kiss testified on behalf of the City of Alliance.

Upon consideration of the evidence and the criteria to be considered by the City Council pursuant to law, the City Council finds as follows:

Applicant complies with the provisions of Section 53-131.01 R.R.S. (2003).

Applicant has met its burden with regard to the checklist that is provided by Section 53-132 R.R.S. (1984) and demonstrates a willingness and ability to properly manage the liquor license held by High Plains Pizza Hut, Inc. in conformance to the rules and regulations of the Nebraska Liquor Control Act.

Based on the above findings, the City Council recommends to the Nebraska Liquor Control Commission that the Class A Liquor License Application of High Plains Pizza Hut, Inc. and the Manager's License of Bruce A. Lundy held by Pizza Hut of Alliance at the premise described in the application be approved.

City Clerk shall transmit a copy of this Resolution to the Commission.

Roll call vote for Resolution No. 12-66 with the following results:

Voting Aye: Benzel, Lewis, Seiler, Feldges.

Voting Nay: None.

Motion carried.

- The next item for Council's approval was Resolution No. 12-67 which would discontinue arrangements with the Alliance Public Schools for the shared funding of a police officer to serve as the School Resource Officer. City Manager Cox provided the following background information:

August 2, 2012

[We are in receipt of a request from Alliance Public Schools to release the schools from this agreement. According to Superintendent Dan Hoelsing, due to a continued shrinking of state aid to Alliance Public Schools, further cutting back in the operations side of APS General Fund is necessitated. This is not the first, but marks the latest in a series of years in reductions of state local aid.

The City currently receives approximately \$48,000 or 60% of the funding for the program from APS per our agreement. The agreement automatically renews on August 1, but this year's deadline for notice of non-renewal was actually May 1.

The decision to grant this request is certainly Council's to approve or decline. However, I would offer a couple of comments:

1. Our partner organization, APS, is faced with continued budgetary pressures and are seeking relief;
2. I don't believe it was or ever should be the City's position to "cram" law enforcement down the throats of anyone. In fact, we have been working on a program to represent the policing duties of the City in a much more relaxed and friendly manner;
3. Dr. Hoelsing intends to manage situations with internal staff and administrators.]

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 12-67 which follows in its entirety:

#### RESOLUTION NO. 12-67

*WHEREAS*, The City of Alliance and the Alliance Public Schools, School District No. 6 currently cooperate to fund the participation by an Alliance Police Officer in the School Resource Officer position; and

*WHEREAS*, City staff has negotiated a contract which has a renewable term with the Schools and provides that the cost of the School Resource Officer in excess of the grant funds shall be paid 60% by the Schools and 40% by the City; and

*WHEREAS*, The Alliance Public Schools, School District No. 6 has requested to be released from the Agreement after the non-renewal notice deadline of May 1.

*WHEREAS*, The Alliance City Council agrees to release the Alliance Public Schools, School District No. 6 from the Agreement after the non-renewal notice deadline of May 1.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the agreement for funding of the School Resource Officer between City of Alliance and the Alliance Public Schools, School District No. 6 is hereby rescinded.

Roll call vote for Resolution No. 12-67 with the following results:

Voting Aye: Benzel, Seiler, Lewis, Feldges.

August 2, 2012

Voting Nay: None.

Motion carried.

- The next matter for Council's consideration was Resolution No. 12-68 authorizing Dan Robinson, the lease holder on the north wellfield to graze cattle in lieu of harvesting hay. City Manager Cox provided the following background information:

[Lessee Dan Robinson leases City property at the north wellfield and is requesting to be allowed to graze cattle on the property rather than just to hay the property as the agreement currently spells out. Mr. Robertson cites the fact that the drought and extremely dry conditions has not produced sufficient hay for harvesting.

In consideration of the request, of concern for the City is that the property will be properly protected and taken care of.

Mr. Robertson, according to Mike Hulquist, has been a very good tenant. Mike further believes that Mr. Robertson will treat the property with respect and will ensure it is properly maintained.

The drought has been exacting this year and is showing signs all over of taking its toll. A little flexibility on our part this year should not be detrimental to the long-term betterment of the property.]

A motion was made by Councilman Benzel, seconded by Councilman Seiler to approve Resolution No. 12-68 which follows in its entirety:

#### RESOLUTION NO. 12-68

*WHEREAS*, In 2011 the City of Alliance authorized competitive quotes to obtain bids for a lease not to exceed six months for the North Well Field property containing 140 acres, more or less, which was restricted to haying only; and

*WHEREAS*, The bid of Daniel Robinson of Alliance, Nebraska was the highest, responsive, and responsible bid in the amount of Three Thousand Six Hundred Twenty Four and No/100ths (\$3,624.00) Dollars for the North Well Field Property; and

*WHEREAS*, City Staff desires to modify the terms of the Lease to also allow grazing on the property due to the extreme heat we are experiencing and Mr. Robinson's proven capabilities in the proper care of the property.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to enter into an amended lease for the 140 acres of the North Well Field property to Daniel Robinson for Three Thousand Six Hundred Twenty Four and No/100ths (\$3,624.00) Dollars, to allow for the grazing of cattle and subject to the remaining

August 2, 2012

terms and conditions of the current lease for the months of April through September in the years of 2012, 2013, 2014, 2015 and 2016.

Dan Robinson, 2451 CR 63, Alliance, Nebraska informed Council he would not be removing any existing fencing, but would add fencing to protect City buildings and property.

Roll call vote for Resolution No. 12-68 with the following results:

Voting Aye: Benzel, Lewis, Seiler, Feldges.

Voting Nay: None.

Motion carried.

- The next agenda item for Council's consideration was Resolution No. 12-69 authorizing the change of date and time for the second City Council meeting in August from the 16<sup>th</sup> to the 21<sup>st</sup>, beginning at 8:00 a.m.

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve Resolution No. 12-69 which follows in its entirety:

#### RESOLUTION NO. 12-69

*WHEREAS*, The City Council, pursuant to Nebraska Statute and Section 1-101 of the Alliance Municipal Code, has the authority to establish a calendar of regular meeting dates; and

*WHEREAS*, The City Council has the authority, by resolution adopted not less than one week prior thereto, to change its regular date; and

*WHEREAS*, Due to a scheduling conflict the Council desires to change the date and time for their second meeting in August from the 16<sup>th</sup> to the 21<sup>st</sup> and have the meeting begin at 8:00 a.m. at the regular location, 1604 Sweetwater Avenue, Alliance, Nebraska.

*NOW THEREFORE BE IT RESOLVED*, By the Mayor and Council of the City of Alliance, Nebraska, that the regular meeting of the Alliance City Council scheduled for August 16, 2012 is rescheduled to August 21, 2012 commencing at 8:00 a.m. at the regular location of the School Administration Building, 1604 Sweetwater Avenue.

Roll call vote for Resolution No. 12-69 with the following results:

Voting Aye: Benzel, Lewis, Seiler, Feldges.

Voting Nay: None.

Motion carried.

August 2, 2012

- The final item for Council's consideration were the new Commercial Property and Casualty Insurance renewal rates for the City of Alliance, presented to staff by Gregory's Insurance.

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve Resolution No. 12-70 which follows in its entirety:

RESOLUTION NO. 12-70

*WHEREAS*, The City of Alliance recognizes the importance of purchasing insurance to protect against significant loss which affect the budget and would impact the operation of the City of Alliance; and

*WHEREAS*, The City desires to provide the best protection at the lowest cost to give the taxpayers the most insurance for their taxpayer dollar; and

*WHEREAS*, The City of Alliance entered into a contract with Gregory's Insurance, Inc. to provide Property and Casualty insurance coverages with Traveler's Insurance as the package provider and Phoenix Aviation, who provides the Airport General Liability policy; and

*WHEREAS*, The City's coverages and premiums have been reviewed by Gregory's Insurance, Inc. and they have made a recommendation for the renewal of policies to be effective August 1, 2012.

*NOW THEREFORE BE IT RESOLVED* by the Mayor and City Council of the City of Alliance that the Mayor is authorized to sign a contract for insurance with Gregory's Insurance, Inc. in the amount of Four Hundred Thirty-seven Thousand Two Hundred Twenty-eight dollars and no/100ths (\$437,289.00).

Roll call vote for Resolution No. 12-70 with the following results:

Voting Aye: Benzel, Lewis, Feldges, Seiler.

Voting Nay: None.

Motion carried.

- Prior to adjourning Mayor Feldges announced that he was in receipt of Camyla Joule's resignation from the Alliance Park and Tree Board.

- Mayor Feldges stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 9:55 a.m."

(SEAL)

---

Fred Feldges, Mayor

---

Linda S. Jines, City Clerk

August 2, 2012

**This Page Intentionally Left Blank!**