

August 21, 2012

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, AUGUST 21, 2012

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

The Alliance City Council met in a Regular Meeting, August 21, 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 August 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 August 21, 2012 Regular Meeting of the Alliance, Nebraska City Council at 8:00 a.m. Present were Mayor Feldges, Council Members Benzel, Lewis, Yeager 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 introduction of Mike Rodriquez our new Water/Sewer Maintenance Worker I and Marlin Johnson the new Community Development Planner.
- 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 21, 2012

1. Approval: Minutes of the Regular Meeting, August 2, 2012.

August 21, 2012

2. Approval: Payroll and Employer Taxes for the period July 21, 2012 through August 3, 2012 inclusive: \$183,493.51 and \$13,073.60 respectively.
3. Approval: Claims against the following funds for the period July 26, 2012 through August 15, 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; \$1,303,500.31.
4. Approval: Update the roster of the Alliance Volunteer Fire Department by adding Tony Dentler and Derek Reyes; and removing Steffen Lehman and Spencer Rowley.
5. Approval: The issuance of the following Cemetery Certificates:

The North Half of the Southwest Quarter (N1/2-SW1/4) of Lot Eight (8), Section Five (5), Block Five (5), Original Plat to the Alliance Cemetery to Mark Seidler.

Lot One (1), Section One (1), Block Thirty (30), Alliance Cemetery Fourth Addition to Lillian Barker-Hannon.

Lot Two (2), Section One (1), Block Thirty (30), Alliance Cemetery Fourth Addition to James D. Barker.

Acceptance of a Quitclaim Deed from Shirley Ann Ward and Ruth Bernice Cooper, the legal heirs of Katherine Flint for the North Half of the Northeast Quarter (N1/2-NE1/4) of Lot Thirteen (13), Section One (1), Block Nine (9), First Addition to the Alliance Cemetery and reconvey same to Shirley Ann Ward.

Acceptance of a Quitclaim Deed from Allen Hammar, the executor of Martin M. Hammar and Marteena F. Hammar, the North Half of the Northeast Quarter (N1/2-NE1/4) of Lot Fourteen (14), Section Six (6), Block Nine (9), First Addition to the Alliance Cemetery and reconvey same to Byron Hammar.

Acceptance of a Quitclaim Deed from Richard Furley and Neldagene Furley for the East One Half (E1/2) of Lot Twenty-three (23), Section Six (6), Block Twenty (20), Third Addition to the Alliance Cemetery.
6. Approval: The request of the Alliance Area Family YMCA for the use of the City owned vacant lot on the west side of the 100 block of Box Butte Avenue. The YMCA would like to conduct a sand volleyball program on August 22 and 29, 2012 between the hours of 5 p.m. and 10 p.m. The request includes the possible use of a water truck which staff is not recommending as part of this approval. The YMCA has provided the appropriate Certificate of Insurance naming the City of Alliance an additional insured.
7. Approval: United Way is requesting the use of the Big Blue Bay immediately following closing on the last day to hold a "Doggie Splash." The event will be held at 6:00 p.m. on August 26, 2012 and will allow area dogs to swim. This will be a fundraiser for United

August 21, 2012

Way and they will be requesting donations. No admission fees will be charged. United Way will be required to provide the appropriate Certificate of Insurance naming the City of Alliance an additional insured.

8. Approval: Staff is requesting that the last day of the season for the Big Blue Bay, which is Sunday, August 26, 2012 be a free admission day for the public.
9. Approval: Transportation Security Administration for the Law Enforcement Officer Reimbursement Agreement Program, Statement of Joint Objectives. The Law Enforcement Officer Agreement Program provides funding for our police officers to provide passenger screening support services for commercial flights out of Alliance. The Statement of Joint Objectives is part of the application process for the LEO reimbursement program.

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: Benzel, Lewis, Feldges, Seiler, Yeager.

Voting Nay: None.

Motion carried.

- The next agenda item was the City Manager's Report by J.D. Cox which follows in outline form:
 - Making arrangements for a Joint Meeting with the Alliance City Council and the Box Butte County Commissioners on Monday, September 24, 2012 at 8:00 a.m. at the Knight Museum.
 - Preparing a list of proposed legislative changes for consideration by the League of Nebraska Municipalities which includes:
 - Enhancing local control by providing for a home rule;
 - Amending the nuisance abatement rules to lessen the amount of time to act routine code enforcement issues and to lessen the 12" requirement for weeds;
 - Allow communities to adopt a local preference purchase policy for their individual community.
 - Finance Director Waggener will be providing dashboards the second Council meeting of each month.
 - The new tourism signage will be unveiled today.
 - Staff is currently reviewing design suggestions for the front steps of the Municipal Building.
 - WNCC made a contribution in the amount of \$5,000.00 for the repair to the front steps of the Library/Learning Center.
 - Reviewed the upcoming calendar.

August 21, 2012

- A Public Hearing and the second reading of Ordinance No. 2709 which will adopt the proposed 2012-2013 Budget, was the next matter before Council. 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 \$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

August 21, 2012

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 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.

August 21, 2012

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.

Mayor Feldges stated “now is the date, time, and place to conduct a Public Hearing to hear support, oppositions, criticism, suggestions, or observations of the taxpayers relating to the proposed 2012-13 Annual budget.”

August 21, 2012

The Public Hearing opened at 8:22 a.m., hearing no testimony the Public Hearing was closed at 8:23 a.m.

A motion was made by Councilman Lewis, seconded by Councilman Seiler to approve the second reading of Ordinance No. 2709. City Clerk Jines read the Ordinance by title.

Council heard from Chelsie Herian, Box Butte Development Corporation Executive Director regarding their funding request which was included in the proposed budget. She stated the Main Street Program is included within their operating budget request and the additional \$5,000.00 requested will be used towards a recruitment trip.

Deb Dopheide the Executive Director of Keep Alliance Beautiful thanked Council for their continuing support and described the fluctuations of marketing recycled materials.

A motion was made by Councilman Benzel to amend the proposed 2012-13 Annual Budget by adding \$6,600 to the General Fund to complete nuisance abatement transfer which is a housekeeping item; decreasing \$6,600 in General Fund as the PADD dues are proposed to be paid from the Economic Development Fund; carrying over \$65,000 within the Street Fund from this fiscal year to next fiscal year for the Streetscape Engineering; transferring \$30,000 from Capital Projects Fund to Public Safety Tax Fund as a housekeeping matter; and adding \$5,000 to the BID Fund at the Downtown Improvement Committees request for possible Streetscape related expenses.

Roll call on the proposed amendment with the following results:

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

Voting Nay: None.

Motion carried.

Councilman Benzel made a motion to amend the proposed 2012-13 Annual Budget by reducing our mill levy to \$0.37979 to maintain our funding level based on the valuation submitted by Box Butte County. The motion was seconded by Councilman Lewis.

Roll call on the proposed amendment with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote on Ordinance No. 2709 as amended with the following results:

August 21, 2012

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

Voting Nay: None.

Motion carried.

AMENDED 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:

	CITY	MFO	AIRPORT	PUBLIC SAFETY	AIRPORT SINKING	TOTAL
Budget Amount	969,457	120,678	131,900	106,638	21,327	1,350,000
1% Treasurers Fee	9,695	1,207	1,319	1,066	213	13,500
Delinquent Allowance (5%) (can be up to 5%)	48,473	6,034	6,595	5,332	1,066	67,500
Total Property Tax Request:	1,027,624	127,919	139,814	113,036	22,607	1,431,000

Using the following tax levies:

August 21, 2012

	CITY	MFO	AIRPORT	PUBLIC SAFETY	AIRPORT SINKING	TOTAL
Proposed 2013	0.272733	0.033950	0.037107	0.030000	0.00600	0.379790

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	6,375,000
Electric	12,547,600
Refuse	1,359,100
Sewer	440,800
Water	1,873,700
Golf Course	345,800
Airport Operations	5,966,300
Streets	4,390,100
RSVP	98,100
BID #1 and #2	13,800
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	303,000
Public Safety Tax	120,000
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
Gross Expenditures	<u>41,650,400</u>

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 21, 2012

SECTION 4. The City has a total of Unused Restricted Funds Authority of \$178,634.73 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.

● The second reading of 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 Yeager, seconded by Councilman Seiler to approve the second 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, 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

August 21, 2012

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.

Our new City Planner Marlin Johnson reported to Council that he had visited with a representative of Dollar General regarding a design standard enhancement for the proposed facility. Several examples of other Dollar General facilities were shown to the City Council. Following a short discussion, Council by consensus granted authority to City Manager Cox to negotiate for an enhancement in the proposed design prior to the final reading.

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

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

Voting Nay: None.

Motion carried.

- The next matter before Council the second 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.

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

August 21, 2012

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.

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: Benzel, Lewis, Seiler, Feldges, Yeager.

Voting Nay: None.

August 21, 2012

Motion carried.

- Resolution No. 12-71 was the next item for Council's consideration which will authorize staff to make an application to the Nebraska Emergency Management Agency for grant funding to assist with the purchase of outdoor warning notification sirens, and acceptance of the grant should it be awarded. City Manager Cox provided the following background information:

[The proposed resolution would authorize City staff to apply for a Hazard Mitigation Grant (HMPG). The total cost of the project is \$68,907, with the local match being 25% or \$17,226.75. The City will pay the full amount and be reimbursed for 75%.

Chief Shoemaker has been in contact with the Nebraska Emergency Management Agency and has received a favorable reception to us applying for an HMPG Grant for the purpose of purchasing outdoor warning notification sirens.

The positive news on this application is that the funding currently proposed to be set aside for the Cody siren replacement in 2013 budget year (\$20,400), will be enough to cover the City's match for the grant. So, instead of getting one siren for \$20,400, we'll get four sirens (valued at almost \$70,000) at a cost of approximately \$17,226.75!

The City also currently has the four sirens included for replacement/addition in the 6-year Capital Budget Plan for over the next several years.]

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 12-71 which follows in its entirety:

RESOLUTION NO. 12-71

WHEREAS, The City needs to provide adequate outdoor warning notification sirens for the safety of our citizens; and

WHEREAS, The staff is requesting authority to file an Application for Hazard Mitigation Grant funding through the Nebraska Emergency Management Agency; and

WHEREAS, Staff is also requesting that Council authorize the Mayor to accept the grant and sign the necessary grant documentation if the City receives the grant; and

WHEREAS, Council believes that it is in the best interest of the City to make application with the Nebraska Emergency Management Agency for a grant to help purchase four sirens which could be placed into service very quickly instead of being staggered over several years.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City Manager is authorized to file an Application for Hazard Mitigation Grant funding through the Nebraska Emergency Management Agency to purchase outdoor warning notification sirens.

BE IT FURTHER RESOLVED, that if the City receives the grant, the Mayor is authorized to accept the grant on behalf of the City of Alliance and sign the necessary documentation to

August 21, 2012

accept the Hazard Mitigation Grant funding through the Nebraska Emergency Management Agency to purchase outdoor warning notification sirens.

Roll call vote for Resolution No. 12-71 with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was consideration of funding approval for Keep Alliance Beautiful (KAB) for the recycling services they provide to the City of Alliance and authorizing the use of Refuse Contingency Funds for their support during this fiscal year. City Manger Cox provided the following background information:

[Last year during the budget process, Council considered the needs request of Keep Alliance Beautiful (KAB).

Further, Nebraska has an Integrated Solid Waste Management Act (Section 13-2101, et seq.) which requires each governmental entity operating a solid waste facility to have an Integrated Solid Waste Management Plan – which had to have been filed prior to October 1, 1994.

Each plan must provide for a local waste reduction and recycling program. The requirement at the time was for local operators to reduce the volume of materials disposed of in landfills as of 7/1/94 over a period of time reaching 50% by July 1, 2002. Each plan had to prioritize elimination of the following from the landfill: yard waste, hazardous waste, tires, waste oil, lead-acid batteries & household appliances. The plan also had to include the implementation of a program of separation of waste to include glass, plastic, paper and metal. NDEQ Regulations since the time of the Act have added more to this.

The Act permits the City to contract with other agencies to provide a service or facility – which justifies contracting with Keep Alliance Beautiful as suggested. The City is allowed to contract with and compensate KAB for recycling – since KAB is, in fact, providing a service to the City.

Therefore, when compared with the cost for the City to provide this service, the payment for \$24,000 for KAB seems relatively inexpensive.

It was staff's understanding last year, that the Council may place funds into contingency and then KAB could simply request the funds when a project/need arose. It was further my understanding of Council's intent to fund KAB fairly close to its request of approximately \$24,000. With this in mind, Council approved a budget that included a \$1000 payment to be made from recycling in the Refuse Fund, \$4000 payment from the General Fund, and placed the remaining \$19,000 in Recycling Contingency Fund.

Since that time, we have come to a different legal opinion/understanding of how the funds might be used and that it is not possible to pay KAB to purchase equipment from any City fund.

August 21, 2012

Therefore, with the requirement that the City fund recycling, and with the fact that KAB can provide full recycling services, staff is recommending the following two-fold plan below:

This will allow the City to maintain a recycling program, but at 30 – 35% support of the normal recycling program. If this is retroactive to January 1, 2012 and continue through September 30, 2013, it would require an \$18,000 payment from the \$19,000 contingency.

Recommended Action:

1. Council consider approving an arrangement for KAB to provide recycling services to the City at a rate of \$5,000/quarter;
2. Council consider approving a payment of \$18,000 from the Recycling Contingency to KAB for recycling services provided this year.]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve Resolution No. 12-72.

An amendment to Resolution No. 12-72 was offered by Mayor Feldges to require submittal of quarterly financial reports by Keep Alliance Beautiful in order to receive funding. The motion was seconded by Councilman Benzel.

Roll call vote on the proposed amendment with the following results:

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

Voting Nay: None.

Motion carried.

AMENDED RESOLUTION NO. 12-72

WHEREAS, The City of Alliance operates the Alliance Municipal Landfill; and

WHEREAS, Keep Alliance Beautiful provides the City of Alliance recycling services which meets the City's requirement for local waste reduction and recycling programs with the Nebraska Department of Environmental Quality; and

WHEREAS, The City desires to compensate Keep Alliance Beautiful for their recycling services at the rate of \$6,000.00 per quarter for the period beginning January 1, 2012 through September 31, 2013; and

WHEREAS, City staff is requesting that Council authorize the use of Refuse Disposal Department contingency funds this fiscal year to pay for the recycling services of Keep Alliance Beautiful.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that staff is authorized to make payments to Keep Alliance Beautiful in the amount of \$6,000.00 per quarter for recycling services, following the submittal of a Quarterly Financial Report.

August 21, 2012

BE IT FURTHER RESOLVED that staff is authorized to transfer Eighteen Thousand and no/100ths Dollars (\$18,000.00) from the Refuse Disposal Department Contingency Fund to pay Keep Alliance Beautiful for their recycling services.

Roll call vote on amended Resolution No. 12-72 with the following results:

Ayes: Seiler, Yeager, Benzel, Lewis, Feldges.

Nays: None.

Motion carried.

- The next item for Council's approval was Resolution No. 12-73 authorizing the City to follow the auditor's recommendation and charge off uncollected accounts after a reasonable amount of time. City Manager Cox provided the following background information:

[Last year, the City wrote off approximately \$150,000 in the following ways:

Ambulance	\$106,879.72	Misc Accounts Receivable	\$8,005.14
Utilities	\$34,366.77	Returned NSF Checks	\$907.05

Past annual audits have critiqued the City for not writing off these accounts, as well as old special assessment and interfund loans. With this in mind, this year's "end-of-fiscal-year" write-off also includes special assessments in the amount of \$17,968.50 and \$284,212.65 in interfund loans, which is comprised completely of the funding for the site acquisition of 1st & Box Butte for a previously proposed location for a new Municipal Hall building.

Utilities are from this year and are what has already been through collections and have been returned as uncollectable and/or bankruptcy.]

Recommended Charge-off Summary

As of August 1, 2012

Type	Number	Dollars	Average	Reserves
Special Assessments	7	\$ 17,968.50	\$ 2,566.93	\$ 18,492.70
Utilities	86	\$ 13,600.41	\$ 158.14	\$ 25,150.00
Misc. Account Receivables	7	\$ 10,456.19	\$ 1,493.74	\$ 16,800.00
Interfund Loans	2	\$ 284,212.65	\$ 142,106.33	\$ -
Returned NSF Checks	0	\$ -	\$ -	\$ -
Totals	102	\$ 326,237.75	\$ 3,198.41	\$ 60,442.70

A motion was made by Councilman Yeager, seconded by Councilman Lewis to approve Resolution No. 12-73 which follows in its entirety:

RESOLUTION NO. 12-73

WHEREAS, The City of Alliance provides utility services, ambulance services, and other services for residents and customers of the City of Alliance; and

August 21, 2012

WHEREAS, The City of Alliance charges for providing those services based on reasonable and customary rates; and

WHEREAS, Staff has prepared a document outlining the charges that have remained uncollected for over the last year including some that have been discharged in bankruptcy; balances remaining from those accounts that have been collected by the collection agency and other amounts that have not been collected by the City of Alliance; and

WHEREAS, Staff is requesting authority to charge off the following amounts which are the balances of August 1, 2012 and request to charge off additional finance charges that are accruing;

Utilities	\$13,600.41	Special Assessments	\$17,968.50
Interfund Loans	\$284,212.65	Misc. Accounts Receivable	\$8,005.14

for total amount of Three Hundred Twenty-six Thousand Two Hundred Thirty-seven and 75/100ths Dollars (\$326,237.75) for the 2011-2012 fiscal year; and

WHEREAS, Council agrees that the bills have not been collected and pursuant to the principals of accounting should be written off but the accounts can still be collected by the City of Alliance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the total amount of Three Hundred Twenty-six Thousand Two Hundred Thirty-seven and 75/100ths Dollars (\$326,237.75) (as of August 1, 2012) plus any additional finance charges that are incurred thereafter, shall be written off for the purposes of complying with normal accounting principles.

Roll call vote for Resolution No. 12-73 with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 12-74 was Council's next matter for consideration. This allows the City of Alliance's auditing services to remain with Almquist, Maltzahn, Galloway & Luth, P.C., of Grand Island, Nebraska. City Manager Cox provided the following background information:

[In 2007, the City approved a 5-year agreement with Almquist, Maltzahn, Galloway & Luth, to provide auditing services to the City of Alliance. The agreement spelled out the five-year costs:

2007:	\$19,500
2008:	\$20,000
2009:	\$20,500
2010:	\$21,000
2011:	\$21,500

August 21, 2012

Staff is proposing that the relationship with Almquist, Maltzahn, Galloway & Luth for one more year, with the plan to go out for proposals next year.

2012: \$22,000

The proposal for this year includes \$22,000 for the proposed amount, as well as a not to exceed amount of \$2,250 should a single audit be required.

I offer the following as support for continuing with Almquist, Maltzahn, Galloway & Luth for at least one more year:

- Consistent with prior amounts;
- City is not required to bid out auditing services;
- Federal changes are expected within the next year;
- Next year, would be a better time to bid out these services;
- Staff is happy with service provided.]

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 12-74 which follows in its entirety:

RESOLUTION NO. 12-74

WHEREAS, The City of Alliance is in need of auditing services for fiscal year 2011-12;
and

WHEREAS, The prior contract for auditing services expired in the prior year; and

WHEREAS, The City has received the proposal of Almquist, Maltzahn, Galloway & Luth, P.C., of Grand Island, Nebraska, to audit the City of Alliance financial statements for the fiscal year ending September 30, 2012 in the amount of \$22,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the proposal of Almquist, Maltzahn, Galloway & Luth, P.C., of Grand Island, Nebraska, for audit services is hereby accepted, and the Mayor and City staff are authorized to execute contract documents consistent with the proposal.

Roll call vote for Resolution No. 12-74 with the following results:

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

Voting Nay: None.

Motion carried.

- The next matter before Council for discussion was the fireworks requirements for the City of Alliance. City Manager Cox gave the following background information:

August 21, 2012

[Fire Chief Troy Shoemaker will be present for a discussion concerning fireworks.

At the heart of the discussion will be these main topics:

- Recent Damage to City-owned properties;
- Review of Current Ordinance/Practice;
- Emergency Provisions in case of drought;
- 2010 Modification to State Law and if our City wishes to make any corresponding changes.

The severe drought of 2012 provides a fresh backdrop to a needed conversation regarding our current fireworks regulations and how if any, changes might be necessary in the future.

Additionally in 2010, the Legislature enacted changes to the State Law that allows for January 1 sale and discharge of fireworks. Staff would like to engage in a conversation about this change as well.

Other items of consideration:

- Require permission of owner before discharging on someone's property;
- Allow same summer period of 9am-10pm 6/24-7/2, and 9am-Midnight on 7/3 & 7/4
- Allow discharge at New Year's – between 4:30 pm on 12/31 until 12:30 am on 1/1.
- From or into any motor vehicle;
- Onto any street, highway, or sidewalk;
- At or near any person;
- Into or at any group of persons; or
- Into or upon premises of another person;
- Within or onto any city recreational facility or park at any time, except professional fireworks shows authorized under a permit from the State Fire Marshal, City Fire Chief and approved by the City Council;
- Change from Building and Zoning to the Fire Chief as the source for the issuance of a permit for the sale of fireworks with certain conditions;
- Authorize Fire Chief to “make call” to ban fireworks when/if weather or other factors necessitate.]

Fire Chief Troy Shoemaker informed Council that there were eleven fire related incidents this year during the 4th of July holiday season due to the discharge of fireworks, compared to nine incidents during the 2011 season. Chief Shoemaker reported on his proactive public warnings which were issued due to the extreme dry conditions and the high fire index we experienced this year. He also stated he would like the Council to consider an ordinance banning the use of fireworks on City property without proper authorization and incorporating the Nebraska Legislature's updates to fireworks regulations which were recently enacted.

Council instructed staff to prepare an ordinance for their consideration of amendments to our fireworks regulations.

August 21, 2012

- Board resignations were the next item for Council's consideration.

Motion by Councilman Seiler, seconded by Councilman Benzel to accept the resignation of Trish Neely from the A-1 Downtown Improvement Board and the Museum Board as she will be leaving the community.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Seiler, seconded by Councilman Benzel to accept the resignation of Camyla M.S. Joule as she will be leaving the community to attend medical school.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Prior to adjourning Leslie Shaver was introduced as a new attorney in the law firm of Simmons Olsen Law Office.

- Mayor Feldges stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 10:12 a.m."

(SEAL)

Fred Feldges, Mayor

Linda S. Jines, City Clerk