

November 1, 2012

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, NOVEMBER 1, 2012

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

The Alliance City Council met in a Regular Meeting, November 1, 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 October 25, 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 November 1, 2012 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Feldges, Council Members Benzel, Yeager and Seiler. Also present were City Manager Cox, City Attorney Ediger, and City Clerk Jines.

- Mayor Feldges read the Open Meetings Act Announcement.
- Councilman Benzel made a motion to excuse the absence of Councilman Lewis as she is out of town. The motion was seconded by Councilman Seiler.

Roll call vote with the following results:

Voting Aye: Seiler, Yeager, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- City Manager Cox introduced Andrew Mages, our new Maintenance Worker I for the Water Department.
- The next item on the Council's agenda was the Consent Calendar. Councilman Benzel made a motion, which was seconded by Councilman Yeager to approve the Consent Calendar as follows:

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CONSENT CALENDAR – NOVEMBER 1, 2012

1. Approval: Minutes of the Regular Meeting, October 18, 2012.
2. Approval: Payroll and Employer Taxes for the period September 29, 2012 through October 12, 2012 inclusive: \$165,459.90 and \$11,632.89 respectively.
3. Approval: Claims against the following funds for the period October 11, 2012 through October 25, 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; \$1,022,333.72.
4. Approval: To enter into a Change in Terms Agreement for the financing of the Fire Truck Lease with First National Bank of North Platte. As a result of this change the City will save in excess of \$18,500.00 over the remaining term of the lease. The interest rate has been lowered to 2% from 4.55%.
5. Acknowledgement: Issuance of the \$50,000 “Forgivable Loan” to Crossman Trailers, Inc. as part of their Economic Development Assistance Agreement. Mr. Tolstedt has completed the two trailers as required and submitted an executed Forgivable Note.
6. Approval: The issuance of a Roofing Contractor License to Mario Perez dba Beaver Construction.

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.

Councilman Benzel questioned the two payments for the Sleuth software program at the Police Department. Finance Director Waggener reported it is an annual fee for maintenance.

Roll call vote with the following results:

Voting Aye: Yeager, Benzel, Feldges, Seiler.

Voting Nay: None.

Motion carried.

- Electric Superintendent Heinrich and City Manager Cox provided Council an update on our electric revenues and the need to implement a Production Cost Adjustment. Mr. Heinrich described the metering problems the City has experienced and the actions that have been taken to correct the problems. Several handouts were reviewed which provided the financial history of the electric system for the past six years, a comparison of the average revenue per kWh, and a five year history of electric rates per classification.

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Finance Director Waggener reported on the recent bid opening for the replacement of the Municipal Building Front Steps. The City received two bids which came in significantly over the engineer's estimate. The estimate was between \$67,000 and \$73,000 and the bids which were received ranged between \$126,000 and \$172,000. Staff is not sure why there is such a difference; however there may have been a misconception that the City wanted the project done immediately and we are entering the winter season which would make the project difficult. At this time staff reported we are going to re-evaluate the project. Council suggested that an inexpensive temporary fix may be to have the steps re-carpeted. Staff will be reporting back in the near future.

- City Manager Cox provided his report which follows in outline form:
 - The City is in desperate need for volunteers to serve on the Board of Adjustment and the Downtown Improvement Boards.
 - The Joint Meeting between the City of Alliance and Box Butte County was very successful. Billing issues for the Law Enforcement Center were lined out, cooperative measures were discussed, and the idea of establishing a Law Enforcement Center Planning Group was agreed upon and would include reviewing the possibility of consolidating the dispatch services.
 - A new billboard promoting Carhenge was installed early and is located near Ogallala for westbound traffic.
 - The online bill program is nearly complete and will allow our customers to pay their utility bills electronically using a credit card for a small convenience charge of \$2.99, but it will also allow customers to receive their statements electronically and view their accounts for free.

- The next matter before Council was the first reading of Ordinance No. 2718, which will reduce the size of an utility easement between Lots 10 and 11, Block 5, Lakefield Addition. City Manager Cox provided the following background information:

[Shaun Houchin of Clau-Chin Construction has requested a reduction from 20' to 10' of a utility easement between Lots 10 & 11 of Block 5, Lakefield Addition. A map showing this proposed reduction ("vacation") is at the back of Section "E" of your packet.

Unfortunately, this is a matter where a building permit was issued prior to this matter being resolved and a house was then constructed on the north lot (lot #11) which encroached upon said easement. Later, following the arrival of our new planner and his review with legal counsel, we received a legal opinion that cemented the fact that matters such as these could not simply be signed off by Staff, but instead require Council approval. I apologize if this places Council in an uncomfortable position, but I concur with this legal opinion and believe we are taking measures to bring clarity and consistency to our processes.

With this background in mind, we have moved to correct the situation. On October 9, the matter was brought before the Planning Commission. A public hearing was held and following no public comments, the Planning Commission unanimously approved the measure for

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recommendation to Council. All City department heads with infrastructure oversight also have signed off on the easement vacation as no one sees there being a problem with this proposal.]

A motion was made by Councilman Seiler, seconded by Councilman Benzel to approve the first reading of Ordinance No. 2718. City Clerk Jines read the Ordinance by title which follows in its entirety:

ORDINANCE NO. 2718

AN ORDINANCE VACATING A PORTION OF EASEMENT LOCATED IN LOT 10 AND LOT 11, BLOCK 5, LAKEFIELD 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 been requested to vacate portions of easements located in the North ten feet of Lot 10 and in the South ten feet of Lot 11, Block 5, Lakefield Addition, which easements were originally platted for use as a utility easement.

SECTION 2. The portions of the easements requested to be abandoned by the City are no longer needed by the City utilities and are not projected to be needed in the future.

SECTION 3. The City of Alliance hereby abandons to the owner of Lot 10 and Lot 11, Block 5, Lakefield Addition, Box Butte County, Nebraska, the following described real estate, formerly platted as utility easements:

The South 5 feet of the North 10 feet of Lot 10 and the North 5 feet of the South 10 feet of Lot 11, Block 5, Lakefield Addition, an addition to the City of Alliance, as surveyed, platted and recorded in Box Butte County, Nebraska, as shown on Exhibit A attached hereto and by this reference incorporated herein.

SECTION 4. The Mayor is authorized to execute the partial disclaimer release which has been provided, and City staff is authorized to file the partial disclaimer and release upon its signing with the Box Butte County Clerk.

SECTION 5. This real estate is not used in the operation of public utilities, and is not a State Armory for the use of the State of Nebraska or the State Armory, as provided in 16-201 R.R.S. Neb. 1943.

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

City Planner Johnson answered questions of Council and stated a review of existing easements on lots owned by the City of Alliance in Lakefield Addition will be conducted to determine their continued need.

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Roll call vote on the first reading of Ordinance No. 2718 with the following results:

Voting Aye: Benzel, Feldges, Seiler, Yeager.

Voting Nay: None.

Motion carried.

- The next matter before Council was Resolution No. 12-89 which will authorize the continuance of the Conditional Use Permit of Barry Harris as property owner on behalf of Keep Alliance Beautiful for an additional three years. The Conditional Use Permit allows the operation of a recycling center at Lot 4, Block 27, Original Town, Alliance, Nebraska. City Manager Cox provided the following background information:

[The proposed resolution will reapprove, for a period of **three years**, the Conditional Use Permit for Keep Alliance Beautiful to continue to operate a recycling center on Lot 4, Block 27, Original Town of Alliance. In compliance with the original Conditional Use Permit issued on November 10, 2008, Staff has reviewed the site and has prepared a recommendation.

Annually the Conditional Use Permit has been renewed in October 2009, October 2010, October 2011, and now in 2012, we are proposing this permit be issued for a period of three (3) years.]

A motion was made by Councilman Seiler, seconded by Councilman Benzel to approve Resolution No. 12-89 which follows in its entirety:

RESOLUTION NO. 12-89

WHEREAS, Barry Harris the property owner on behalf of Keep Alliance Beautiful made an application for a Conditional Use Permit for Keep Alliance Beautiful to operate a recycling center at Lot 4, Block 27, Original Town of Alliance, Box Butte County, Nebraska which is located on the alley between 1st Street and 2nd Street west of Niobrara Avenue; and

WHEREAS, The City of Alliance approved the Conditional Use Permit and required an annual review to ensure compliance of the conditions placed on the permit; and

WHEREAS, City staff has viewed the property, and has found that the property has been used consistent with the Conditional Use Permit for the past four years; and

WHEREAS, The City Council finds that no sufficient reason exists why the Conditional Use Permit should not be approved and based on past compliance of the conditions is extending the permit for an additional three year period of time.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Conditional Use Permit previously issued to Barry Harris the property owner on behalf of Keep Alliance Beautiful for the operation of a recycling center at Lot 4, Block 27,

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Original Town of Alliance, Box Butte County, Nebraska should be continued for an additional three year period of time.

BE IT FURTHER RESOLVED, that as part of the continuation of the Conditional Use Permit Keep Alliance Beautiful is required to:

Keep the area free from litter, waste, or worthless vegetation.

Not permit the use of recycle containers that do not have secure lids to prevent materials from becoming litter by forces of nature.

Not permit more than one semi trailer to be parked at this location other than when the trailer is being loaded.

Not permit outdoor storage of bailed recyclable materials.

BE IT FURTHER RESOLVED, that the City Staff will review the operation of the Conditional Use Permit in three years after commencement to determine whether the conditions have been met and report their findings to the City Council, unless a problem should arise which will result in an inspection and review of the Conditional Use Permit at that time.

Mr. Jerry Thompson, 523 Mississippi Avenue, represented Keep Alliance Beautiful and appeared before Council to answer any questions.

Roll call vote for Resolution No. 12-89 with the following results:

Voting Aye: Feldges, Seiler, Yeager, Benzel.

Voting Nay: None.

Motion carried.

- Finance Director Randy Waggener presented to Council the Fourth Quarter Financial Report. Mr. Waggener reviewed revenue and expenses with comparison to budget for all funds, the amount of contingency funds used per fund, an overall statement of revenue and expenditures for the past two years, fund balance changes for the last three years, capital expenses for the last fiscal year, listing of bank accounts and balances, and a cash and investment summary.

Councilman Benzel made a motion to accept the Fourth Quarter Financial Report as presented. The motion was seconded by Councilman Seiler.

Roll call vote with the following results:

Voting Aye: Seiler, Yeager, Benzel, Feldges.

Voting Nay: None.

Motion carried.

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- The next items before Council were board appointments and the acceptance of a resignation.

A motion was made by Councilman Seiler, which was seconded by Councilman Benzel to appoint Patrick S. Jones to serve on the Police Advisory Board as the School Representative for a term which will expire December 30, 2012.

Roll call vote with the following results:

Voting Aye: Yeager, Benzel, Feldges, Seiler.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Seiler, which was seconded by Councilman Benzel to appoint Dr. Paul M. Willette to serve on the Golf Advisory Board for a term which will expire December 31, 2014, contingent upon confirmation that he is a resident of the City of Alliance.

Roll call vote with the following results:

Voting Aye: Benzel, Feldges, Seiler, Yeager.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Seiler, which was seconded by Councilman Benzel to appoint Matthew Harris to serve on the Alliance Housing Authority Board for a term which will expire December 31, 2016.

Roll call vote with the following results:

Voting Aye: Feldges, Seiler, Yeager, Benzel.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Seiler, which was seconded by Councilman Benzel to accept the resignation of Kristi Ellstrom from the A-1 Downtown Improvement District Board. Mrs. Ellstrom has accepted other employment and will no longer be located in the district in order to serve on the board.

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Roll call vote with the following results:

Voting Aye: Seiler, Yeager, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- Mayor Feldges stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:36 p.m.”

(SEAL)

Fred Feldges, Mayor

Linda S. Jines, City Clerk