

February 21, 2013

**ALLIANCE CITY COUNCIL**

REGULAR MEETING, THURSDAY, FEBRUARY 21, 2013

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

The Alliance City Council met in a Regular Meeting, February 21, 2013 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 February 14, 2013. 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 February 21, 2013 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.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 the Council's agenda was the Consent Calendar. Councilman Benzel made a motion, which was seconded by Councilman Lewis to approve the Consent Calendar as follows:

CONSENT CALENDAR – FEBRUARY 21, 2013

1. Approval: Minutes of the Regular Meeting, February 7, 2013.
2. Approval: Payroll and Employer Taxes for the period January 19, 2013 through February 2, 2013 inclusive: \$164,365.24 and \$11,582.80 respectively.
3. Approval: Claims against the following funds for the period January 31, 2013 through February 14, 2013: 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; \$493,966.82.

February 21, 2013

4. Approval: Acknowledgment of Satisfaction of Redevelopment Agreement. This will formally acknowledge the full payment of the Tax Increment Financing obligation of Randy R. Mau and Peggy S. Mau.
5. Approval: The Settlement Agreement with Golf Professional Brian Jerred.
6. ~~Approval: The issuance of a Special Designated License to the Knights of Columbus for their annual Shamrock Shenanigans event which will be held Saturday, March 16, 2013 at the Parish Center, 1104 Cheyenne Avenue. (Removed at applicant's request.)~~
7. Approval: Farm Lease ratification. The City has offered an Agricultural Lease to K. O. Farms Inc. in the amount of \$55.55 per acre for 52 acres for a total of \$2,888.60 for the year. The Lease is for the period of March 1, 2013 through February 28, 2014 and has an automatic renewal clause.
8. Approval: The issuance of a Cemetery Certificate to Dianne Johnson for the West Half (W1/2) of Lot One (1), Section One (1), Block Twenty-two (22), Fourth Addition an Addition to the Alliance Cemetery.
9. Approval: The issuance of Tree Surgeon Licenses to Heather Hauptman dba All Seasons Landscaping and James Butcher dba Jim Butcher's Tree Service.

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, Yeager, Seiler.

Voting Nay: None.

Motion carried.

- The Council presented two Proclamations: the first declaring the week of February 16, 2013 as National FFA Week, the second declaring the month of March as National Gambling Awareness Month.

#### PROCLAMATION

WHEREAS, The FFA and Agricultural Education provide a strong foundation for the youth of America and the future of the food, fiber and natural resource systems; and

WHEREAS, The FFA promotes premier leadership, personal growth and career success among its members; and

February 21, 2013

WHEREAS, Agricultural Education and the FFA ensure a steady supply of young professionals to meet the growing demands in the science, business and technology of agriculture; and

WHEREAS, the FFA motto - "Learning to do, Doing to learn, Earning to live, Living to serve" - gives direction of purpose to these students who take an active role in succeeding in agricultural education; and

WHEREAS, the FFA promotes citizenship, volunteerism, patriotism and cooperation,

NOW, THEREFORE, On behalf of the Members of the Alliance City Council, I do hereby designate the week of February 16 through 23, 2013, as FFA week.

#### PROCLAMATION

WHEREAS, Our community is home to individuals and families adversely affected by problem gambling; and

WHEREAS, Compulsive gambling is often hidden from family members, social services and mental health professionals; and

WHEREAS, Compulsive gambling often occurs in combination with other disorders such as chemical dependency and depression; and

WHEREAS, It is important to raise awareness of the warning signs of compulsive gamblers and connect them with professional help,

NOW, THEREFORE, I, On behalf of the Mayor and Members of the City Council of the City of Alliance, I do hereby proclaim March 2013 as:

#### GAMBLING AWARENESS MONTH

and urge citizens to learn more about the consequences of problem gambling.

- The next agenda item were announcements of the 2013 Service Excellence Oasis Team Projects. City Manager Cox provided the following background information:

[Members of the City's Service Excellence team will be present to share what OASIS (Operational Advanced Service Improvement Systems) projects have been selected for this year and those team members who also have selected to participate on the various projects. Although the definition of OASIS is long-winded, the net effect is not. These are cross-departmental teams assembled to tackle specific projects.

As presented earlier to Council, last year's projects included:

February 21, 2013

Communications with Neighbors  
Awards & Recognition  
Service Standards & Recovery

I am pleased with the direction that these groups wound up taking last year. In our first year, we found our direction with this program, and already this year the groups are leaps and bounds ahead of last year.

Although we may not yet be 100% there, we have come a very long way in engaging our employees in defining problems and more importantly defining improvements, and then, being a part of the solution.]

Stephanie O'Connor, Vice Chairman of the Service Excellence Committee announced the 2013 Oasis Projects will be:

- ❖ An on-boarding/orientation program for new employees along with the review of the Personnel Manual
- ❖ Updating employee safety and preparedness procedures
- ❖ Citizen satisfaction surveys
- City Manager Cox presented his report in outline form:
  - Informed Council on the Golf Professional search
  - Updated Council on the progress of the Municipal Code Re-write
  - Updated Council on the new Code Red emergency notification system which is now available for our citizens.
    - Individuals can sign up directly through the City's web page
    - Individuals requiring assistance can call City hall
    - City representatives will also be available at the Home Show
  - Explained a transfer which was made within the Electric Department
  - Home Show will be March 9<sup>th</sup> and 10<sup>th</sup> and City representatives will be available to assist with swimming lesson registrations, and signing up for both our on-line utility billing and Code Red
  - The City will be hosting an open house on April 9<sup>th</sup> for all contractors
  - The Council/Staff Strategic Planning session will be held March 25<sup>th</sup> and we are anticipating the Community Town Hall to take place in April and are looking at potential dates
  - Autumn on the Bricks will be held on October 11<sup>th</sup> and 12<sup>th</sup>. The logo has been selected, a web page created [www.autumnonthebricks.com](http://www.autumnonthebricks.com) and currently working on parade plans, banners and flags. The event will coincide with the high school homecoming.
  - An economic development conference is being planned for May
  - Getting ready re-bid the Municipal Building front steps project
- Council's next matter for discussion was the future of the Community Gardens. City Manager Cox provided the following background information:

February 21, 2013

[I have requested this item be placed on the Agenda for discussion purposes so that Staff has a clear direction on the community garden for this, and/or upcoming years.

For years the garden was operated with the understanding that little or no staff involvement would be required. Yet, the last couple of years, I noticed the hours of City staff time being spent at the garden. Last year, I learned that the City was incurring substantial costs in water, so we moved to curtail this fact and it was shared with Council.

My additional concerns are:

- We have received numerous complaints of the site being unsightly, overgrown and not properly maintained;
- With the push/demand for housing, this is a prime location for such (not a garden);
- Last year, the gardening group was close to not being able to pay their water bill and was able to be resolved without argument at the eleventh hour; and
- Last year, Council agreed to establish a temporary board to oversee operations; that board has ceased to exist, unless it is either reauthorized or codified into perpetuity.

Options:

- Leave Community Garden in the same location & operationally unchanged;
- Leave Community Garden in the same location & change the operations (different management);
- Move Community Garden to another City location (see below);
- Close Community Garden and allow to be run privately without City involvement.

Other locations identified include:

- West 25<sup>th</sup> Street, near the City's 25<sup>th</sup> Street Substation
- Homestead Addition

Cost to Move:

- Investments have previously been made to install water services
- Estimate to establish water services at a new location – 3 Services X \$6000/service is approx \$18,000.]

Pete Motaro, 1647 Buchfinck Avenue appeared before Council and stated his displeasure of having a community garden. He stated the gardens were formerly located across the street from his home and that the gardeners did not take good care of the facility and were inconsiderate with the neighbors in the area.

February 21, 2013

Ed Hinman, 223 South Potash Avenue stated he was a current user of the facility and a member of the temporary Advisory Board. He admits there were problems which will need to be addressed for the future. The water bill was a major consideration along with a few gardeners which did not adhere to the rules. Mr. Hinman suggested contracts be utilized by the users for next season and that enforcement authority be established.

Lori Bates, 2201 Big Horn Avenue, informed Council this was her first year to participate. She volunteered to serve on the temporary Advisory Board and was appointed by Council; however, the Chairman of the board never notified her of any meetings or involved her in activities. Mrs. Bates stated she is a Master Gardener and that she was the coordinator of the community gardens in Gillette, WY before her move to Alliance. The program she was involved with in Gillette was a show piece for their community and not a liability. She would like to volunteer to provide the same service to Alliance for next year.

James Bates, 2201 Big Horn Avenue stated several lots were over grown this year. He informed Council that in Gillette the users of the community garden were required to take a course which outlined the requirements for participation by his wife, Lori Bates and that might be beneficial for Alliance.

No formal action was taken by Council.

- A Public Hearing on the One & Six Year Street Improvement Plans was the next agenda item for consideration. City Manager Cox provided the following background information:

[At its February 12 meeting, the Alliance Planning Commission reviewed and approved recommending the proposed 1 & 6 Year Street Improvement Plan to Council. A report of the outcome of that meeting (and possibly Planning Commission's recommendation) will be provided at the Council meeting.

According to the project plans, the following are being submitted:

+Concrete 0.4 miles – Potash (2nd to Kansas Street); Overlay	Approx Cost: \$ 400,000
+Asphalt 1.0 miles – Emerson (18 <sup>th</sup> to 31 <sup>st</sup> St); Overlay	Approx Cost: \$ 300,000
+Concrete 1.1 miles – 10 <sup>th</sup> St (Box Butte to Flack); Reconstruction	Approx Cost: \$2,677,500
+Lighting & Streetscape 1500' – Box Butte (1 <sup>st</sup> to 5 <sup>th</sup> )	Approx Cost: \$1,446,000
+Concrete/Asphalt 0.5 miles – Sweetwater (18 <sup>th</sup> to 25 <sup>th</sup> ); New	Approx Cost: \$1,200,000
+Concrete/Asphalt 0.4 miles – Underpass 3 <sup>rd</sup> St (Black Hills-Howard Ave)	Approx Cost: \$5,443,000
+Aggregate Overlay 0.4 miles – Madison Road (Owned by City); New	Approx Cost: \$ 10,000
Asphalt, Mill, Overlay 1.54 miles - 3 <sup>rd</sup> St (Hwy 2) (Code Ave to Boyd Ave);	Approx Cost: \$1.356M

Resolution No. 13-15 will grant approval of the Plans and authorize submittal to the State of Nebraska Board of Public Roads, Classifications and Standards.]

February 21, 2013

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 One & Six Year Street Improvement Plans. The Public Hearing opened at 8:05 p.m.

Eric Lenz, Public Facilities Director review both the One Year Plan and the Six Year Plan for the City Council.

No further testimony was offered and the Public Hearing was closed at 8:28 p.m.

Mayor Feldges requested Mr. Lenz to review the sidewalk situation on Emerson Avenue between 25<sup>th</sup> and 31<sup>st</sup> Streets when that project is initiated.

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 13-15 which follows in its entirety:

#### RESOLUTION NO. 13-15

*WHEREAS*, The Nebraska law requires that the City of Alliance develop and file with the Board of Public Roads Classifications and Standards, a long range six year plan of highway, road and street improvements; and

*WHEREAS*, Such plan must be extended annually on or before the anniversary date; and

*WHEREAS*, City staff has prepared a One and Six Year Plan to meet these legal requirements; and

*WHEREAS*, The City published and held a public hearing on February 21, 2013; and

*WHEREAS*, The plan was submitted to Council and examined by the City Council at a regular meeting conducted on February 21, 2013; and

*WHEREAS*, Council believes the plan is appropriate and should be approved.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the One and Six Year City Street Improvement Plan prepared by the City of Alliance Department of Public Facilities is hereby approved and the City staff is authorized to forward the Plan to the Board of Public Roads Classifications and Standards.

Roll call vote for Resolution No. 13-15 with the following results:

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

Voting Nay: None.

Motion carried.

February 21, 2013

- The next matter before Council was Resolution No. 13-16, approving the request of the Alliance Housing Authority for the waiver of Payments In Lieu of Taxes (PILOT) which amounts to \$1,268.95 for the City's portion . City Manger Cox provided the following background information:

[The City is in receipt of a request from the Alliance Housing Authority (AHA) for waiver of the PILOT (Payment in Lieu of Taxes). Last year's request of \$1,431.43 was approved by Council. This year's request is \$1,268.95.

You will see below that our attorneys have provided to legal opinions regarding a request to waive the PILOT.

AHA has requested a permanent waiver. In the past, Council has required the request to be brought before them on an annual basis and a past staff interpretation also required that AHA receive permission from the various taxing agencies each time the waiver is requested. Last year, our attorneys looked at this and opined to us the following two items:

- *“Council may wish to not approve the PILOT Waiver as Statute 71-15,123 (6) requires housing agency to charge rent sufficient to pay all payments in lieu of taxes;”*

Further, in the past, a former staffer interpreted and the City followed that same interpretation that the City should require AHA to separate out their requests to each of the taxing entities (instead of the City waiving the whole amount). To this end, the AHA for years has been going about the various entities (schools, county, city) in an effort to ask and obtain the PILOT waiver.

We have received the following opinion from Council regarding separating these out:

- *“The payment itself should not have to be separated as it should represent the cost of providing public safety, rescue, and emergency services or roads and street construction or maintenance, which is provided by the City.”*

A full overview of the AHA is presented in the “AHA 2012 FY Annual Report” that is enclosed in your packet.

The proposed resolution would waive the one-year payment of taxes for the amount of \$1,268.95.]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve Resolution No. 13-16 which follows in its entirety:

RESOLUTION NO. 13-16

February 21, 2013

*WHEREAS*, The City of Alliance has received a request from the Alliance Housing Authority to waive certain payments in lieu of taxes; and

*WHEREAS*, The City Council finds that it has legal authority to issue such waiver; and

*WHEREAS*, The City Council finds that such a waiver will benefit the community in allowing more funds to continue to be utilized for low income housing as provided by the Nebraska Housing Agency Act.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the payment in lieu of taxes waiver request of the Alliance Housing Authority in the amount of One Thousand Two Hundred Sixty-eight and 95/100ths Dollars (\$1,268.95) is hereby granted for this year only.

Trish Olson, Executive Director of the Alliance Housing Authority appeared before Council to request the waiver and answer any questions of Council.

Roll call vote for Resolution No. 13-16 with the following results:

Voting Aye: Benzel, Lewis, Seiler, Feldges,

Voting Nay: Yeager.

Motion carried.

- Resolution No. 13-17 was the next item for Council's consideration authorizing the purchase of a Jacobsen Greens King IV greens mower from C&M Golf and Grounds Equipment of Denver, CO in the amount of \$22,487.19. City Manager Cox provided the following background information:

[This year's budgeted included a \$24,000 set aside for a greens mower replacement for the golf course.

We currently have Jacobsen Greens King IV mowers in service and staff would like to continue that to help guarantee interchangeability and interoperability between mowers. The recommended bid of \$22,487.19 came from C&M Golf & Grounds Equipment, which is \$475.83 lower the General Services Administration bid. In addition, with the bid, comes the opportunity of a trade-in in the amount of \$500.

Our code allows for sole source purchasing when "*a particular material or service is required to maintain interchangeability or compatibly as a part of an existing integrated system.*"

February 21, 2013

With the discount and the trade-in, the total comes to \$22,487.19, a full \$1,512.81 below budget.]

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 13-17 which follows in its entirety:

RESOLUTION NO. 13-17

*WHEREAS*, The City of Alliance Golf Course Division had on their capital improvements for this fiscal year, the purchase of a greens; and

*WHEREAS*, The City of Alliance is pursuing the purchase of a new mower without competition due to the investment which has already been made in machines and attachments; and

*WHEREAS*, The City's Procurement Policy provides an exemption from bidding when staff determines that "a particular material or service is required to maintain interchangeability or compatibility as a part of an existing integrated system"; and

*WHEREAS*, The recommended purchase is lower than the General Services Administration (GSA) Federal Supply Service contract number GS-06F-0042K; and

*WHEREAS*, The purchase is being recommended from C & M Golf and Grounds Equipment of Denver, CO in the amount of \$22,487.19.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the Mayor be and hereby is authorized to enter into a contract for the purchase of a Jacobsen Greens King IV green's mower with 11 blade reels and machined steel grooved rollers for the cost of Twenty-two Thousand Four Hundred Eighty-seven and 19/100ths Dollars (\$22,487.19) from C & M Golf and Grounds Equipment of Denver, CO.

*BE IT FURTHER RESOLVED*, that the purchase will be funded from Golf Course Account No. 21-71-75-59-950.

Roll call vote for Resolution No. 13-17 with the following results:

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

Voting Nay: None.

Motion carried.

- A board appointment was the final item on the agenda.

A motion was made by Councilman Seiler, which was seconded by Councilman Lewis to appoint Troy Shoemaker to serve on the Board of Adjustment for a term expiring December 31, 2016.

February 21, 2013

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

The City of Alliance continues to have vacancies on various boards. The public was notified if anyone is interested in serving on these Boards or would like further information, they may contact the City Clerk's Office.

- Prior to adjourning, Councilman Lewis requested staff to review the condition of Bower Park with regard to fallen tree branches and trash, and consideration of an installation of a bridge to go over the creek. Mayor Feldges requested an update on Laing Lake on a future agenda.
- Mayor Feldges stated, "There being no further business to come before the Alliance City Council, the meeting is adjourned at 8:55 p.m."

(SEAL)

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Fred Feldges, Mayor

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Linda S. Jines, City Clerk