

March 21, 2013

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, MARCH 21, 2013

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

The Alliance City Council met in a Regular Meeting, March 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 March 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 March 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 Ediger, 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 – MARCH 21, 2013

1. Approval: Minutes of the Regular Meeting, March 7, 2013.
2. Approval: Payroll and Employer Taxes for the period February 16, 2013 through March 1, 2013 inclusive: \$170,933.77 and \$12,042.35 respectively.
3. Approval: Claims against the following funds for the period February 28, 2013 through March 14, 2013: General, General Debt Service, Trust and Agency, Street, Electric, Refuse Collection and Disposal, Sanitary Sewer, Water, Golf

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Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement; \$752,497.99.

4. Approval: Update the roster of the Alliance Volunteer Fire Department by adding Jonah Matulka and removing Leonard Adamson.
5. Approval: The issuance of the following Contractor Licenses:

Tree Surgeon	Bill Smith dba West Pine Tree Farm
Repair and Maintenance	Dustin D. Graham dba Graham Home Improvement
6. Approval: The issuance of a Cemetery Certificate to Frank Robert and Shirley Jesse for the North Half of the Northwest Quarter (N1/2NW1/4) of Lot Seven (7), Section Five (5), Block Three (3), Second Addition to the Alliance Cemetery.
7. Approval: Consent to Assignment of Contract for Aquaterra Environmental Solutions, Inc. which is merging with Stearns, Conrad & Schmidt, Consulting Engineers, Inc. This is the company that provides services such as licensing for our Landfill.
8. Approval: Amendment No. 3 for additional services to be performed by Aquaterra Environmental Solutions, Inc. This amendment is for Environmental and Solid Waste Support Services for the Annual Emission Inventory Report for the Alliance Municipal Solid Waste Landfill.
9. Approval: Staff is recommending the City Council reauthorize the use of a Community Garden Advisory Committee on a temporary basis for this growing season. We currently have a volunteer to head this committee and would suggest the appointment of four additional interested individuals.
10. Approval: The Eagles Fraternal Order No. 136 has applied for an addition to their licensed premises to add an outdoor area approximately 12' x 75' to the east of their building. A complete copy of their application has been included for your review. A representative of the Eagles will be in attendance to answer any questions of Council.

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.

Steve Rose from the Eagles Fraternal Order No. 136 addressed Council and described the proposed addition for the outdoor area to be included within their liquor license.

Roll call vote with the following results:

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

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Voting Nay: None.

Motion carried.

- The next matter before Council was authorization of reimbursement for travel expenses for Mayor Feldges and Councilman Benzel.

Motion by Councilman Lewis to approve travel expenses, in the amount of \$470.00, for Mayor Feldges to reimburse mileage for attendance at the League of Nebraska Municipalities Annual Conference. The motion was seconded by Councilman Seiler.

Roll call vote with the following results:

Voting Aye: Benzel, Lewis, Yeager, Seiler.

Voting Nay: None.

Abstaining: Feldges.

Motion carried.

Motion by Councilman Lewis to approve travel expenses, in the amount of \$452.00, for Councilman Benzel to reimburse mileage for attendance at the League of Nebraska Municipalities Annual Conference. The motion was seconded by Councilman Seiler.

Roll call vote with the following results:

Voting Aye: Lewis, Feldges, Yeager, Seiler.

Voting Nay: None.

Abstaining: Benzel.

Motion carried.

- The Council presented two Proclamations; the first declaring the week of March 17th through March 23rd, 2013 as National Agriculture Week; the second declaring April 9, 2013 as National Service Recognition Day.

PROCLAMATION

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Whereas, the foundation of Box Butte County agriculture – farming and ranching – occurs on nearly 450 agricultural operations representing 670,000 acres of crop and pasture land in the county; and

Whereas, farm and ranch families, symbols of strength and dedicated work ethic, continue the region’s agrarian heritage started here in Alliance 125 years ago, by supplying our regional, state, national and global economies with an abundance of high quality food and fiber goods and products; and

Whereas, farm and ranch families are stewards of the land, preserving and enhancing productivity and quality of the lands and natural resources; and

Whereas, Box Butte County has been designated as a “Livestock Friendly County” by the County Commission and the Nebraska Department of Agriculture; and

Whereas, Nebraska’s economy, as the 3rd largest agriculture-producing state in the nation, relies on support from many sectors of agriculture – education and youth programs; research, technology and rural development; retail, wholesale and commercial agricultural businesses; cooperative and commodity entities; and policy and education groups - ensuring safe and dependable food and fiber; and

Whereas, 2013 marks the 40th anniversary of National Agriculture Week observances, an effort to raise awareness of the positive contribution agriculture makes in providing the necessary food, feed, fuel and fiber of everyday life;

Now, therefore, we, as members of the Alliance City Council, do hereby proclaim

March 17-23, 2013, as National Agriculture Week

and encourage all citizens to recognize local farm and ranch producers and their agribusiness partners who contribute to the community’s economy and health.

This proclamation was presented to Bart and Kathy Dye along with their children Alyssa and Chase.

The next proclamation was:

Mayors Day of Recognition for National Service

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation’s mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and,

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WHEREAS, AmeriCorps and Senior Corps address the most pressing challenges facing our cities and nation, from educating students for the jobs of the 21st century and supporting veterans and military families to preserving the environment and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, national service participants serve in more than 70,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and,

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and,

WHEREAS, AmeriCorps members and Senior Corps volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with mayors across the country to support the Mayors Day of Recognition for National Service on April 9, 2013.

THEREFORE, BE IT RESOLVED that I, Fred Feldges Mayor of Alliance, Nebraska do hereby proclaim April 9, 2013, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our city, to thank those who serve; and to find ways to give back to their communities.

- Resolution No. 13-31 acknowledging the City of Alliance's 125th Birthday was the next item before Council. City Manager Cox provided the following background information:

[March 28, 2013 will officially mark the 125th Anniversary of Alliance.

To commemorate the occasion, our City Clerk Linda Jines has authored an outstanding resolution for Council's consideration.

I have been working with Senator Al Davis' office to put forth a very similar version that the State Legislature can consider. As of the writing of

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this narrative, it is possible that it may go to the floor of the legislature as early as Monday, March 18.

Finally, at the national level, BBDC Board member and YMCA Director Brenda McDonald and Executive Director Dixie Nelson of the Alliance Chamber of Commerce have been working on the possibility of obtaining a US flag which has flown over the US Capitol. Senator Fischer's office has informed Brenda that our flag is being flown over the capitol this week.

Additionally, there is a birthday party and commemoration planned for 4pm on March 28 at the YMCA. There is a planned program that will include the reading of this resolution.]

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 13-31 which follows in its entirety:

RESOLUTION NO. 13-31

WHEREAS, The City of Alliance, Nebraska was incorporated on March 28, 1888 with the arrival of the Burlington and Missouri Railroad tracks; and

WHEREAS, The arrival of the Burlington and Missouri Railroad required the development of lots, and the community grew to a population of 840 within two years of incorporation and 2,200 within eight years of incorporation; and

WHEREAS, The Chicago, Burlington and Quincy Railroad established their "home" in Alliance with the building of the depot at the end of our main street, Box Butte Avenue which became a focus of activity for our community; and

WHEREAS, The rural area of Alliance was also developing due to expanded homesteading as a result of the Kincaid Act which was passed by the U.S. Congress creating a strong agricultural base for our community; and

WHEREAS, Alliance continued to be progressive with the establishment of our first paving district which bricked Box Butte Avenue and our downtown area, and became the first city in Nebraska to adopt the City Manager form of government in 1921; and

WHEREAS, During the Depression in the early 1930's, Alliance created a beautiful parks system under the Works Projects Administration, which remains to this day a source of beauty and pride for our community; and

WHEREAS, With the advent of World War II, Alliance experienced explosive growth with the development of a new airport for an Army Air Base doubling the population of Alliance over a three year period, which is now the home of the Alliance Municipal Airport providing both commercial and private air service; and will be hosting the 2013 Statewide Fly-in event on August 17, 2013; and

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WHEREAS, Industry began evolving in the early 1960's with the creation of an industrial park which brought companies such as the Pepsi-Cola distributorship, The True Temper Ski Company, Electric Hose and Rubber Company, and Woolrich Company, although the names have changed, we continue to be the home of many industrial businesses; and

WHEREAS, In the 1970's four major railroads merged into the new Burlington Northern Railroad and Alliance was designated as a divisional headquarters for the new railroad, resulting in another period of rapid population growth, residential development, and "bedroom" industries; and

WHEREAS, Alliance becomes nationally known as the "Home of Carhenge" with the creation of a fanciful recreation of Stonehenge as a tourist attraction in the 1990's; and

WHEREAS, The Alliance Public School system constructed a state of the art Performing Arts Center in 2011 to promote the value of the arts in our community; and

WHEREAS, The community of Alliance is now undertaking the challenge of enhancing the quality and availability of health services to our citizens with a major expansion of Box Butte General Hospital; and

WHEREAS, The adopted Community Vision is "Building the Best Hometown in America"™; and

WHEREAS, The community is celebrating 125 years of "Building the Best Hometown in America"™.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that all our Citizens are encouraged to celebrate the 125th Anniversary of Alliance on March 28, 2013 and participate and enjoy a year full of celebration activities which have been planned; and

BE IT FURTHER RESOLVED that all Citizens of Alliance be encouraged to become or remain vested in Alliance by involving themselves in all the opportunities we have to offer as we strive to continue our efforts towards "Building the Best Hometown in America"™ for many years to come.

Roll call vote for Resolution No. 13-31 with the following results:

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

Voting Nay: None.

Motion carried.

- Council's next matter for discussion was the gift acceptance from the Knight Museum Foundation. City Manager Cox provided the following background information:

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[Vice Mayor Wally Seiler has been in recent contact with Bob Knight, Chairman of the Knight Museum Foundation. Mr. Knight and his board have chosen to close out their Foundation and make a donation to the City with a request that the City “use the funds for some special project at the Museum or place them in a rainy day fund.”

Since this is a cash donation for the purpose of a Council designated project or rainy day fund, the gift is consistent with the City’s gifting policy.]

A motion was made by Councilman Seiler, seconded by Councilman Lewis to accept the cash donation from the Knight Museum.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Terry Galloway of Almquist, Maltzahn, Galloway & Luth, P.C. was in attendance and reviewed the City of Alliance’s Audit of the Financial Statements for the period October 1, 2011 through September 30, 2012.

Terry Galloway appeared before Council and provided a summary of the Financial Statement for the period October 1, 2011 through September 30, 2012. He also distributed a handout which provides a benchmark for Alliance in relation to other Nebraska communities.

A motion was made by Councilman Benzel, seconded by Councilman Seiler to accept the City of Alliance’s Financial Statements as presented.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- A Public Hearing and the first reading of Ordinance No. 2721 was the next agenda item before Council. This Public Hearing was conducted for the Rezoning Application James Graham and Christine Karrel for the East 100 feet of Lots 1-3, Block

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2, 2nd Addition to Brittan Addition, to C-3 (Highway Commercial) from R-4 (Residential Mobile Home Park). City Manager Cox provided the following background information:

[The City is in receipt of a request to rezone the property that is located east of 815 Flack Avenue (south side of 9th). The request to rezone from R4 Residential Mobile Home Park to C3 (Highway Commercial) was made by James (Jamie) Graham and property owner Christine Karrell. The property in question is shown with a red dot.

The rezone is being requested due to an earlier merger that did not rezone 2/3 of the lot.

On Feb 12, the Planning Commission held a public hearing and consideration of the same. Following the hearing the Planning Commission unanimously approved recommending approval of the rezone request.

There have been no negative comments received regarding the rezone.

The current understanding is that a store is going to be placed at this location. It would appear that this matter is without controversy and is well supported by area neighbors and with the Planning Commission already holding the same opportunity for public hearing, we recommend that we speed up the process and Council consider waiving all three readings as unnecessary and needlessly delaying the implementation of a new business.]

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 Rezoning Application of James Graham and Christine Karrell.

The Public Hearing opened at 7:48 p.m. Mr. James Graham, 1203 Laramie Avenue addressed Council explaining his request. Mr. Graham reported the Planning Commission recommended approval of the rezoning at their February 12, 2013 meeting. He also requested that Council waive the three reading requirement of the Ordinance as there was a delay bring this to Council due to noticing requirements by City staff.

No further testimony was offered and the Public Hearing was closed at 7:56 p.m.

A motion was made by Councilman Lewis, seconded by Councilman Seiler to approve the first reading of Ordinance No. 2721 which follows in its entirety:

ORDINANCE NO. 2721

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, SETTING FORTH CONDITIONS FOR PASSAGE, AND AMENDING THE DISTRICT ZONING MAP TO SHOW THAT THE EAST 100 FEET

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OF LOTS 1-3, BLOCK 2, 2ND ADDITION TO BRITTAN ADDITION, BOX BUTTE COUNTY, NEBRASKA, IS NOW INCLUDED AS A C-3 HIGHWAY COMMERCIAL DISTRICT FROM A R-4 RESIDENTIAL MOBILE HOME PARK 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 March, 2013, 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 the first reading of Ordinance No. 2721 with the following results:

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

Voting Nay: None.

Motion carried.

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- The next agenda item was a Public Hearing authorizing the Class I Liquor License Application of Jaly's Steakhouse. City Manager Cox provided the following background information:

[A few months ago, Jaly's Steakhouse opened for business on Box Butte Avenue. The City is now in receipt of a liquor license application from owner Leah Waltman to serve beer, wine and mixed drinks. No disqualifiers came from a background check conducted by the Alliance Police Department.

HEARING PROCESS -

1. Mayor or council member announces agenda item.
2. Mayor opens public hearing and asks clerk what exhibits she has.
3. Clerk identifies application, checklist for 53-132, Chief's report, Community Development report, and other documents she may have received.
4. Mayor asks for a motion that the exhibits be received into the record, second and vote.
5. Mayor asks for those who are going to give testimony to stand and be sworn.
6. Mayor says "do you swear or affirm to tell the truth so help you God".
7. Individuals respond.
8. Those individuals should include the applicant who must prove to the council's satisfaction the elements on the top part of the checklist. They will also include individuals who may speak either in favor or against the application and police chief who will hit the high points of his report.
9. Mayor calls on applicant to make a presentation.
10. While applicant is still at the podium, the Mayor will call on the City Attorney for any questions and to council and himself for questions.
11. Mayor asks for others who wish to speak in favor of the application and follows the same process for questions.
12. Mayor the calls upon those who wish to speak against and follows the same process for questions.
13. Mayor then calls on the police chief for his comments.
14. Mayor asks if there is any other testimony.
15. Mayor closes the public hearing and asks for comment from the City Attorney.
16. Mayor asks for comment from council and himself.
17. Mayor asks for a motion.
18. The motion is either to make a positive or negative recommendation on the application to the Liquor Control and to reference the elements on the top of the checklist and ask staff to prepare Resolution for the Mayor's signature. (done after the fact so as not to affect council neutrality).
19. After a second, Mayor calls for a vote.]

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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 Class I Liquor License Application of Jaly’s Steakhouse.

The Public Hearing opened at 7:59 p.m. City Clerk Jines identified three exhibits for Council’s consideration:

- Exhibit 1 - Application of Leah Waltman and Gerta Freeman dba Jaly’s Steakhouse, 508 Box Butte Avenue.
- Exhibit 2 - City Council checklist for Section 53-132 R.R.S. (1984).
- Exhibit 3 - Written statement of Police Chief dated March 4, 2013.

Leah Waltman and Gerta Freeman co-owners of Jaly’s Steakhouse were sworn in to tell the truth and answer questions.

City Attorney Ediger asked questions of the applicants regarding their prior experience with liquor sales, the steps they would take to ensure minors were not served, have they taken advantage of the on-line training through the Nebraska Liquor Control Commission and how the alcohol will be stored and secured within their facility.

Police Chief Kiss was sworn in and he provided the results of his background investigation.

No further testimony was offered and the Public Hearing was closed at 8:13 p.m.

A motion was made by Councilman Lewis, seconded by Councilman Seiler to approve Resolution No. 13-32 which follows in its entirety:

RESOLUTION NO. 13-32

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

On March 21, 2013, the matter of the Class I Liquor License application of Leah Waltman and Gerta Freeman dba Jaly’s Steakhouse located at 508 Box Butte Avenue, Alliance, NE, came on for consideration by the Council.

The following exhibits were offered and received:

- Exhibit 1 - Application of Leah Waltman and Gerta Freeman dba Jaly’s Steakhouse, 508 Box Butte Avenue.
- Exhibit 2 - City Council checklist for Section 53-132 R.R.S. (1984).
- Exhibit 3 - Written statement of Police Chief dated March 4, 2013.

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Witnesses were sworn and testimony was received in support of the Class I Liquor License at the public hearing on this date from Greta Freeman. 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 Leah Waltman and Gerta Freeman dba Jaly's Steakhouse 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 I Liquor License Application of Leah Waltman and Gerta Freeman dba Jaly's Steakhouse 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. 13-32 with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 13-33 authorizing Mayor Feldges to sign the Substitution of Trustee and the Partial Deed of Reconveyance for the Box Butte Development Corporation LB840 Funding. These documents are required in order to complete the funding pursuant to the Economic Development Plan, for the purchase of approximately 15 acres of real estate which will then be developed for use by a qualifying business. City Manager Cox provided the following background information:

[In 2008, an LB840 package was approved for Tridako -- \$100,000 as a forgivable loan if certain provisions were met, and \$100,000 as a non-forgivable loan. The payments, on the 10 year non-forgivable note commenced on January 1, 2010. To date, Tridako has paid back \$32,500 of the note, with a remaining principal balance of \$167,500 (\$100,000 of which would have been forgivable had Tridako been able to meet the terms of the forgiveness arrangement).

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As security for the loans, Dan and Patricia Koch gave the City a Deed of Trust on real estate owned by them which includes the Perrin Manufacturing/Tridako plant as well as two parcels of land which are being purchased by BBDC for future economic development. The Koch's are now requesting that the City's lien on the two parcels being sold to BBDC be released.

In May 2012, the City Council approved an Economic Development incentive action from LB840 funds to provide loans to BBDC for the purchase of two parcels of land from the Koch's for \$75,000 (approx. 15 acres) and \$286,200 (approx. 35 acres).

BBDC is now ready to close on the 15 acre parcel. However, it was not possible to fund this closing prior to the end of 2012. In order to accommodate the Koch's desire to complete the closing on this parcel during 2012, First National Bank – North Platte (FNBNP) loaned \$75,000 to BBDC on an interim basis in order to close the sale. When the title commitment for the property was reviewed, the City's prior Deed of Trust to secure the Tridako loans was discovered. As long as it exists, the City cannot have a first lien on the property now owned by BBDC.

Cause/Reason-

One of the conditions of the agreements to loan the funds to BBDC to purchase its parcels is that the City have a first lien on the parcels. As long as the Deed of Trust from the Koch's is in place, BBDC cannot grant a first lien. An additional issue is whether by releasing this property from the Koch Deed of Trust, the City will have equity in the remaining Koch property.

Action-

On Friday, March 15, the Economic Development Plan Application Review Committee (EDPARC), met to consider this matter. After discussion and review of the amount of equity in the remaining Koch property, the EDPARC voted unanimously to make a recommendation to Council to approve the reconveyance of the approx. 15-acre parcel being sold by Dan & Patricia Koch to BBDC. This will enable the City to release payment on the previously approved loan to BBDC. No action was taken on the approx. 35-acre parcel as the EDPARC felt that the release of that parcel needed to wait until there was an opportunity for further discussion with the owners of that property.]

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 13-33 which follows in its entirety:

RESOLUTION NO. 13-33

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WHEREAS, The voters of the City of Alliance approved an Economic Development Plan which had been adopted by the City Council in 2001 and in 2010, pursuant to the authority of Nebraska Revised Statutes 18-2701 through 18-2738; and

WHEREAS, The application of Box Butte Development Corporation (“BBDC”) has been approved for assistance pursuant to the Economic Development Plan, to purchase approximately 15 acres of real estate to be developed for use by a qualifying business pursuant to the requirements of the Economic Development Plan; and

WHEREAS, In order for the City to complete the transaction with Box Butte Development Corporation a Partial Deed of Reconveyance is required along with a Substitution of Trustee to allow our present legal counsel to act on the City’s behalf.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is hereby authorized to sign the Substitution of Trustee naming Rick L. Ediger and the Partial Deed of Reconveyance for property owned by Dan A. Koch and Patricia L. Koch, as husband and wife, and Tridako, Ltd. and Perrin Manufacturing, Inc.

Roll call vote for Resolution No. 13-33 with the following results:

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

Voting Nay: None.

Motion carried.

- The next matter before Council was Resolution No. 13-34 authorizing the use \$20,000 from the City Council Contingency Fund to secure golf carts for golf course patron rentals during this season. City Manager Cox provided the following background information:

[An unexpected event occurred this year with the departure of our golf pro. The timing was not the best for preparing for the upcoming year – one of the items that we have a concern about is having golf carts ready to go for April 1.

Typically, the golf cart rental is left to the golf pro. Typically the golf pro procures the carts (approximately 25 carts at \$600 for the season) and then, in turn, rents them out to paying customers throughout the season.

C&LS Director Shana Brown and I are concerned about the timing this year and are recommending that the City go ahead and acquire the golf carts and then sublease them. Although we fully expect to recoup 100% of the initial outlay, we do need the budget authority to move forward.

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With that in mind, we are asking for Council to approve a transfer not more than \$20,000 in budget authority from Council Contingency to golf operations (Fund #24) so that we can move forward with the acquisition of the same golf carts.]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve Resolution No. 13-34 which follows in its entirety:

RESOLUTION NO. 13-34

WHEREAS, The City of Alliance is in need of securing golf carts for availability to golf course patrons to rent for the 2013 golfing season; and

WHEREAS, This is usually an activity of the golf professional; however, in order to be prepared for the golfing season the City is recommending proceeding as a new golf professional has not been contracted at this time; and

WHEREAS, The Golf Course division had not budgeted funds for the acquisition of golf carts for rental purposes; and

WHEREAS, There are funds available in the City Council Contingency funds; and

WHEREAS, The Golf Course division is requesting a transfer from City Council Contingency funds in the amount of Twenty Thousand Dollars (\$20,000.00) for the acquisition of golf carts to rent to golf course patrons this golfing season.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Twenty Thousand Dollars (\$20,000.00) shall be transferred from City Council Contingency funds to the Golf Course division budget for the acquisition of golf carts to rent to golf course patrons this golfing season.

BE IT FURTHER RESOLVED that the Finance Director is authorized to make the transfer from City Council Contingency into the appropriate line items of the Golf Course division's budget for the acquisition of golf carts to rent to golf course patrons this golfing season.

Roll call vote on Resolution No. 13-34 with the following results:

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

Voting Nay: None.

Motion carried.

- A Board vacancy was the final item on the agenda.

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A motion was made by Councilman Seiler, which was seconded by Councilman Benzel to appoint Lori Bates to serve on the Park and Tree Board for a term which will expire February 28, 2016.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Councilman Seiler announced the City still has vacancies on the Board of Adjustment, Economic Development Plan Application Review and Citizen Advisory Boards, Youth Representative on the Library Board, Park and Tree Board, and Planning Commission. Anyone interested in serving on these Boards should contact the City Clerk's Office. Information on all of the City Boards is also available on our web site, www.cityofalliance.net.

- Mayor Feldges stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:45 p.m."

(SEAL)

Fred Feldges, Mayor

Linda S. Jines, City Clerk