

April 18, 2013

**ALLIANCE CITY COUNCIL**

REGULAR MEETING, THURSDAY, APRIL 18, 2013

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

The Alliance City Council met in a Regular Meeting, April 18, 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 April 11, 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 April 18, 2013 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Feldges, Council Members Benzel, Lewis, and Seiler. Also present were City Manager Cox, City Attorney Olsen, and Administrative Secretary Johnson.

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

Roll call vote with the following results:

Voting Aye: Benzel, Lewis, Feldges, Seiler.

Voting Nay: None.

Motion carried.

- Mayor Feldges read the Open Meetings Act Announcement.
- The first agenda item was the Consent Calendar. Councilman Benzel made a motion, which was seconded by Councilman Lewis to approve the Consent Calendar as follows:

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**CONSENT CALENDAR – APRIL 18, 2013**

1. Approval: Minutes of the Regular Meeting, April 4, 2013.
2. Approval: Payroll and Employer Taxes for the period March 16, 2013 through March 29, 2013 inclusive: \$166,709.49 and \$11,756.84 respectively.
3. Approval: Claims against the following funds for the period , 2013 through , 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; \$850,243.48.
4. Approval: Resolution No. 13-44 granting an assumption of the Tract A – Airport Ground Maintenance Lease to Larry Lower for the remaining three years which is left on the original lease.
5. Approval: Issuance of a Cemetery Certificate to Larry and Sandi Watkins for the South Half (S1/2) of the Northwest Quarter (NW1/4) and the Northeast Quarter (NE1/4) of Lot Ten (10), Section Two (2), Block Three (3), Original Plat to the Alliance Cemetery.
6. Approval: To issue the following contractor licenses:

General Contractor

Cleary Building Corp.  
KONE Inc.  
Eddie Buettner dba Buettner Construction

Repair & Maintenance Contractor

Betty Burton dba B & D Rentals, Inc.  
Larry Lybarger dba Expedient Claim Services, Inc.  
T. Eric Farrar dba Rosenbaum's Signs & Outdoor Advertising, Inc.  
Robert A. Reuss, Jr. dba Straight Line Carpentry & Painting  
Brannan's Homes, Ltd.  
Don Drury dba Drury Bros. Roofing  
Cassidy Odean dba Odean Construction, LLC

Master Plumber

Joch H. Faris dba Faris Plumbing & Heating, Inc.  
Lon Asselin dba Snell Service, Inc.  
Ralph Burbach dba Snell Service, Inc.  
Dennis Meng dba Merritt Heating, Plumbing & Cooling Inc.  
Mark Sitzman dba Independent Plumbing & Heating, Inc.

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Gas Fitter	Joch H. Faris dba Faris Plumbing & Heating, Inc. Lon Asselin dba Snell Service, Inc. Ralph Burbach dba Snell Service, Inc. Dennis Meng dba Merritt Heating, Plumbing & Cooling Inc. Mark Sitzman dba Independent Plumbing & Heating, Inc. Greg Sanders dba Jack's Refrigeration
Master HVAC	Dennis Meng dba Merritt Heating, Plumbing & Cooling Inc. Mark Sitzman dba Independent Plumbing & Heating, Inc. Greg Sanders dba Jack's Refrigeration Dana Daniels dba Advance Air Rashid Kadir dba Tessier's Inc.
Journeyman Plumber	Stanley J. Rutkowski dba Faris Plumbing & Heating Randy Burbach dba Snell Service, Inc. Thomas Murillo dba Snell Service, Inc. Dominic Murillo dba Snell Service, Inc.
Roofer	Weathercraft Company Scottbluff-Gering Terry M. Schank dba Twin City Roofing & Sheetmetal Inc. Urbano Moreno dba Moreno Construction
Limited & Specialty	Ronald F. Lee dba C & R Plastering
Sign	Michael Ferguson dba Ferguson Signs, Inc.

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

Voting Nay: None.

Motion carried.

- Council next was given a presentation from representatives of Keep Alliance Beautiful and KCOW Radio in regards to the "Green Up/Clean Up Days" event. City Manager Cox provided the following background information.

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[KCOW Radio in cooperation with Keep Alliance Beautiful (KAB) will be sponsoring “Green Up/Clean Up Days” from April 30 through May 4. A portion of the advertising proceeds will be presented to the City of Alliance upon completion of the campaign. Last year’s gift of \$1,000 was used to purchase park benches for along the walking path in Laing Park. This year’s efforts will include a number of fun activities which will seek to involve the entire community in the clean-up efforts.

Deb Dopheide of KAB and Terry Friesen of KCOW will be present to discuss the planned activities for the week.]

Melissa Cordell, 721 Laramie Avenue, was the representative present for Keep Alliance Beautiful. She stated KAB will be partnering with KCOW for the 2<sup>nd</sup> Annual “Clean Up/Green Up” event and they are in need of 21 clean-up groups to volunteer. Terry Friesen, 1203 Sweetwater Avenue, the representative from KCOW announced that KCOW will be broadcasting the event and the public will be informed on how they can sign up to be part of one of the 21 clean-up groups.

- The next matter before Council was the presentation of Barney L. Whatley of the Nebraska Rural Water Association. Mr. Whatley provided an overview of the *Follow-up Financial Managerial Water System Assessment*.

Barney L. Whatley, 3390 Ponderosa Drive, Wahoo, NE, made a correction in the agenda, stating his assessment was per request not “required” as stated in the summary. Mr. Whatley gave Council an overview of his assessment and was available to answer questions. The overall rating of the system is very good.

- Council next reviewed a request from the Fraternal Order of Eagles No. 136 to use a portion of the City parking lot located on Laramie Avenue between 4<sup>th</sup> and 5<sup>th</sup> Streets to conduct a beer garden during Heritage Days, July 18<sup>th</sup>-21<sup>st</sup>. City Manager Cox provided the following background information:

[The City is in receipt of a request by the Eagles Club to use part of the City Municipal Parking lot at 4<sup>th</sup> & Laramie for a beer garden during the 2013 Heritage Days celebration.

In the request, submitted by Dick Fankhauser, the Eagles propose to have an outdoor beer garden and an adult dance (for those twenty-one years and older) for four days and three nights – 5am Thursday July 18 through Noon on Sunday, July 21.

#### **Other Comments**

- Randy made contact with Chamber Director, Dixie Nelson, regarding other options and recommendations.

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- In the past, during non-Heritage Days events the sponsoring party would be required to have two City police officers at the event which they would reimburse the City actual overtime wages.

**Pros**

- Would provide another activity/draw to the downtown area
- Would be having a street dance
- Would reinvest proceeds back into Heritage Days

**Cons**

- Would be using public property for private gain
- Would incur additional liability issues
- If an accident were to happen; if serve to minors;
- If collecting monies from an event, assume greater liability risk
- During Heritage Days the City does not have law enforcement personnel available to provide this specialized service;
- Would need to rent property;
- And if renting, property would need to bid out;
- Would lose one-fourth of public parking lot – approximately eleven spaces;
- Would be selling alcoholic beverages on public property, which could be seen as competing with private business]

Dick Fankhauser, 816 Laramie Avenue, representative from the Eagles Club, discussed with the Council his ideas for this event and answered all questions received by Council.

Council recommended tabling this item for future discussion so the Eagles Club may host this event, but at the best interest of the City. It was requested of City Manager Cox to work with legal counsel on this matter regarding the use the city property. Council will follow-up on this item at the May 2, 2013 Council meeting. Mr. Fankhauser agreed with this decision and offered his assistance in any way.

Councilman Benzel made a motion which was seconded by Councilman Seiler, to table this item for further discussion.

Roll call vote to table this item with the following results:

Voting Aye: Benzel, Lewis, Feldges, Seiler.

Voting Nay: None.

Motion carried.

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● The City Manager's Report was the next matter before Council. City Manager J.D. Cox presented the following information:

- Snow
  - Endured:
    - 13" snow fall
    - 30-40 mph winds (with gusts of 51-58 mph)
    - System wide and up/down outages
    - Had to even make hard decision to leave off at one point
  - Thanked all departments involved – electric, streets, parks & police and fire
  - Thanked public for patience and understanding – snow emergency overwhelms staff
  - Others – farmers – plowed so we could get to some rural locations
- Electric:
  - High winds caused some rural outages today
  - Cody: Final touches – may be back online tomorrow (Friday 4/19)
- Senate Update:
  - LB643 (Height of Grass/weeds) –
    - 4/19 - On the Legislature consent calendar for Friday!
  - LB377 (LNM bill – hope moves) – clears up ownership of roads with annexation
    - 2/19 - Placed on General File
  - LB153 (Community & Civic Center Financing Act
    - 4/18 passed 45-0-4 & presented to Governor
- Location of our meetings
  - City Manager to look into locations?
  - Do we need to record Council meetings?
  - Future conversation
- Civic Center – Final Determination
  - Legal opinion that cannot use gym for public events – no accessibility
  - Can have meetings at Municipal Hall – but will offer reasonable accommodation
  - Front Step project coming – becomes a concern
- Strategic Planning - Community Forum: 6/4, 6/5, 6/10?
- Form Bower Park Task Force
  - Councilmember Lewis
  - City Manager
  - C&LS Director
- Coming Up:
  - 4/25 - Contractor's Open House to be held on Thursday, April 25
    - Presenting- Jack Baker, Dale Snyder (State Electric Inspector), Pat Gould (Fire Marshal)
    - Lunch served at Noon
    - Breakout Sessions after lunch
  - 5/2 - Next Meeting: Lots of items (community development)
  - 5/15 - Heartland Expressway Meeting in Alliance –10am to 2pm

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- The first reading of Ordinance No. 2723 was the next agenda item before Council. This ordinance will adopt the new format of the Alliance Municipal Code. City Manager Cox provided the following background information:

[In 2011, the City received a grant from Nebraska State Records Board in the amount of \$16,000 for the purpose of Recodification and Electronic Publishing of our City Code. Subsequently the City selected the Florida firm specializing in this sort of work across the country – Municode.

The following represents the major changes brought about by Municode:

- Conformed to State and Federal Law;
- Removed and replaced with references those duplicate entries that restate State Law;
- Moved rates and fees to a new fee section;
- Moved all fines and penalties to the “General Provisions” section;
- Removed all franchise sections - as those are in separate agreements (not in City Code);

We previously provided a copy of the entire recodified code and high points to allow for questions to be asked in advance of the adoption of the ordinance. Council approved the “proofs” at their March 7<sup>th</sup> meeting which were forwarded to Municode for final processing. We are now at the point to take formal action for adoption of the new Code which will be accomplished via a simple ordinance. An attachment is included with the Ordinance that corrects a few mistakes that Municode found when tying our fees to city action. These are being corrected and replacement pages are being forwarded which have not been received as of this writing; thus the need for the attachment. To ensure compliance with the completion of the project, we are hopeful that Council will consider waiving the three readings at this meeting, which will allow us to wrap up our project by May 1, 2013.]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve the first reading of Ordinance No. 2723. Administrative Secretary Johnson read the Ordinance by title which follows in its entirety:

#### ORDINANCE NO. 2723

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA REVISING ALL THE ORDINANCES OF THE CITY; ADOPTING AND ENACTING A NEW CODE FOR THE CITY; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

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

Section 1. The Code entitled "Code of Ordinances of the City of Alliance, Nebraska," published by Municipal Code Corporation, consisting of chapters 1 through 115, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before October 4, 2012, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. To correct certain errors made in the codifications sections 28-449, 28-483, 28-484, 105-190 and 113-43 are amended to read as shown in attachment A to this ordinance.

Section 5. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than \$1,000.00. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 6. Additions or amendments to the Code when passed in such form as to indicate an intention to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 7. Ordinances adopted after October 4, 2012, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 8. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Councilman Lewis made a motion to waive the statutory requirement of reading the ordinance on three different dates. The motion was seconded by Councilman Benzel.

Roll call vote to waive the three readings of Ordinance No. 2719 with the following results:

Voting Aye: Lewis, Benzel, Seiler, Feldges.

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Voting Nay: None.

Motion carried.

Roll call vote for the final reading of Ordinance No. 2723 with the following results:

Voting Aye: Benzel, Lewis, Seiler, Feldges.

Voting Nay: None.

Motion carried.

Mayor Feldges stated the passage and adoption of the ordinance was concurred by a majority of all members elected to Council, he declared it passed, adopted and ordered it published.

- The next agenda item was the second reading of Ordinance No. 2722 which approves the request of Jeff & Mutt, LLC to vacate the platted portion of Burnham Drive lying west of Emerson Avenue. City Manager Cox provided the following background information:

[The Council approved this Ordinance for first reading at their last City Council meeting, April 4<sup>th</sup>. The narrative from that meeting has been re-inserted in the packet as it provided a detailed overview of the issue. Since our last meeting, staff has met with legal counsel and received guidance for securing an easement for the future extension of infrastructure such as water and sewer should it be necessary. The Agreement of an easement needs to be completed prior to the vacation of Burnham Drive west of Emerson Avenue. Therefore, staff is requesting Council not move forward with the adoption of the ordinance at this time, and instead table the ordinance until such time as an agreement can be reached between all parties.]

A motion was made by Councilman Lewis, seconded by Councilman Seiler to approve the second reading of Ordinance No. 2722. Administrative Secretary Johnson read the Ordinance by title which follows in its entirety:

### **ORDINANCE NO. 2722**

AN ORDINANCE OF THE CITY OF ALLIANCE, VACATING BURNHAM DRIVE WEST OF EMERSON AVENUE, A STRIP OF LAND APPROXIMATELY 60' BY 425' LOCATED THE NE 1/4 OF SECTION 26, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH P.M., IN THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA.

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

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SECTION 1. Jeff & Mutt LLC has made an application to the City of Alliance to vacate a portion of Burnham Drive located west of Emerson Avenue in the NE 1/4 of Section 26, Township 25 North, Range 48 West of the 6<sup>th</sup> P.M., Box Butte County, NE. The property is approximately 60' by 425'.

SECTION 2. The purpose of the vacation is to eliminate property that is not used or needed and put it back on the tax rolls for a usable purpose. The requesting party believes that when assembled with their adjacent property, a buildable home site would be possible between the floodplain and the adjacent property owned by others. The adjoining property owner has agreed to the vacation of the right-of-way and to give their portion to Jeff & Mutt, LLC.

SECTION 3. The City Council finds it is in the best interest of the City that the real estate described above is vacated and that the City of Alliance will not retain ownership.

SECTION 4. The above-described real estate is now vacated.

SECTION 5. This Ordinance shall take effect and be in force following its passage, approval, and publication as required by law.

A motion was made by Councilman Lewis to table the second reading of Ordinance No. 2722. Motion was seconded by Councilman Benzel.

Roll call vote to table the second reading of Ordinance No. 2722 with the following results:

Voting Aye: Benzel, Lewis, Seiler, Feldges.

Voting Nay: None.

Motion carried.

- Council next considered the final reading of Ordinance No. 2721, approving the rezoning of the East 100 feet of Lots 1-3, Block 2, 2<sup>nd</sup> Addition to Brittan Addition, to C-3 (Highway Commercial) from R-4 (Residential Mobile Home Park). City Manager Cox provided the following background information:

PROPOSAL:

The City is in receipt of a request to rezone the property that is located east of 815 Flack Avenue (south side of 9<sup>th</sup>).

LOCATION:

The request to rezone from R-4 Residential Mobile Home Park to C-3 (Highway Commercial) was made by James (Jamie) Graham and property owner Christine Karrell. The property in question is shown with a red dot.

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ANALYSIS:

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

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 the third reading as unnecessary and needlessly delaying the implementation of a new business.

FEEDBACK:

There have been no negative comments received regarding the rezone.

PLANNING COMMISSION:

On February 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.

COUNCIL ACTION:

At its March 21<sup>st</sup> and April 4<sup>th</sup> meetings, City Council approved the first and second readings of this ordinance.]

A motion was made by Councilman Seiler, seconded by Councilman Benzel to approve the second reading of Ordinance No. 2721. Administrative Secretary Johnson read the ordinance by title 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 OF LOTS 1-3, BLOCK 2, 2<sup>ND</sup> 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

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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 18<sup>th</sup> day of April, 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 final reading of Ordinance No. 2721 with the following results:

Voting Aye: Benzel, Lewis, Seiler, Feldges.

Voting Nay: None.

Motion carried.

Mayor Feldges stated the passage and adoption of the ordinance was concurred by a majority of all members elected to Council, he declared it passed, adopted and ordered it published.

- The next agenda item was Resolution No. 13-45, which authorizes staff to make an application for Federal Assistance with the U.S. Department of Transportation - Federal Aviation Administration through the Nebraska Department of Aeronautics to rehabilitate Runway 12/30. City Manager Cox provided the following background information:

[The Alliance Municipal Airport has the opportunity to apply for Federal Assistance to rehabilitate Runway 12/30. The formal application must be completed before a grant can be issued. This will be the first grant on this project and will cover engineering services.

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Runway 12/30 was originally constructed in 1942 during WWII and is 150-ft wide by 9,202-ft long. The original pavement consisted of 10-inches of PCC Pavement. In 1979 a 3-inch bituminous surface course was applied to the existing 10-inch PCC pavement. In 1997 a 1.5-inch bituminous porous friction course was applied over the existing 3-inch bituminous surface course on approximately 6,200 lineal feet of Runway 12, the remaining 3,000-ft portion of Runway 30 did not receive a porous friction course. A bituminous coal tar rejuvenator was applied to the existing runway bituminous surface in 2009 under FAA AIP Project 3-31-003-12/13. Porous Friction Course surface pavements have shown a life expectancy of 10 to 15 years in this region with our runway on year 16. Bituminous leveling courses have shown a life expectancy of 25 to 30-years in this region with our current bituminous leveling course being 34-years in age.

The recommendation from the preliminary study completed in March 2013 is that Runway 12/30 be rehabilitated with the existing asphalt material being removed by cold milling down to the existing PCC pavement. Upon completion of the asphalt removal a new 3-inch bituminous asphalt leveling course would be installed on the existing PCC pavement and a new 1.5-inch bituminous porous friction course be installed over the new bituminous leveling course. It is also recommended that no changes occur to the existing pavement dimensions or standard gradients as part of the pavement rehabilitation. The existing lighting and signage system would remain in place. New runway pavement markings would be installed upon completion of the bituminous overlay.

The FAA does not recognize all of Runway 12/30 and in the past have only participated in 6,200 feet with the City of Alliance being responsible for the maintenance of the remaining 3,000 feet. The most recent effort to have this changed was in 2008 which failed. Since that time the FAA has installed the Instrument Landing System (ILS) at the approach end of Runway 30, which is the portion of the Runway they do not participate in. The Airport is using this fact to attempt to persuade the FAA to participate in all 9,202-feet at the current width of Runway 12/30. There has also been some discussion of reducing the width of runway federally funded from our current 150' width to just 75'. At this time, the project is moving forward with the FAA participating in the entire Runway at current funding levels of 90% FAA and City of Alliance 10% matching.

The City Council approved the consultant agreement with M.C. Schaff & Associates to perform the preliminary study of Runway 12/30 on December 6, 2012. They also approved the agency agreement with the Nebraska Department of Aeronautics on April 4, 2013. The grant application is the next step in this process.

An initial rough cost for the Rehabilitation of Runway 12/30 was estimated in the budget for this year at \$5,090,000 with the City of Alliance's matching 10% portion being \$509,000. This project is scheduled in the summer of 2014 with a

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detailed engineering estimate of \$7,300,000 making the City of Alliance's matching portion \$730,000. The increase in cost is partially due to the increase in petroleum prices and construction costs, and additional items included in the final project scope.

The all-inclusive cost of this project will not be known until the bidding process is completed; however, with the increased cost estimates and the required funding of retentions, it is evident that the City will be required to borrow in order to complete the project.

In essence, we are looking at maximum upfront exposure of \$1.5 million. By the time the project starts, the City should have in the neighborhood of \$600,000 in the Airport Sinking fund, designated specifically for this project. Of the \$900,000 balance, \$700,000 would be reimbursed from grant funds within 6-12 months after the completion of the project, leaving a remaining shortfall of \$200,000. The most feasible options for financing this \$200,000 could include a loan from another enterprise fund or a loan from local financial institution. The Airport Sinking Fund is replenished at the rate of approximately \$50,000/ year.

The grant application is a critical step in this process as it indicates that the Airport Sponsor (City of Alliance) is willing to proceed with this project. If for some reason the final estimates are higher than expected and the City of Alliance can not provide the matching amount, the FAA could require the City to pay for the preliminary study in-full (at the amount of \$19,563.61). In the event that the FAA is unable to fund or otherwise proceed with the project, the FAA would pay their portion of the preliminary study.

With all the present federal conversation regarding the reduction or elimination of funding, staff is of the opinion that it behooves us to avail ourselves of federal funding when it is available as is the case now. The resolution as proposed allows the Mayor to sign the Application for Federal Assistance and the Certification of a Drug-Free Workplace at this time as well as permission for the Mayor to sign actual grant documentation from the FAA when received since completion of the grant documents is very time-sensitive.

In summary, this a great opportunity for the City of Alliance to complete a much needed \$7.3 million project, 90% of which is paid by federal funding.]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve Resolution No. 13-45 which follows in its entirety:

#### RESOLUTION NO. 13-45

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

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WHEREAS, Runway 12/30 is in need of rehabilitation and the City of Alliance has an opportunity to apply for Federal Assistance to fund the project; and

WHEREAS, The Staff is requesting authority to file an Application for Federal Assistance SF-424 with the U.S. Department of Transportation – Federal Aviation Administration for a grant to rehabilitation of Runway 12/30; 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 U.S. Department of Transportation – Federal Aviation Administration for a grant to rehabilitate Runway 12/30.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to file an Application for Federal Assistance SF-424 with the U.S. Department of Transportation – Federal Aviation Administration for a grant to rehabilitate Runway 12/30.

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 accept the U.S. Department of Transportation – Federal Aviation Administration grant to rehabilitate Runway 12/30.

Roll call vote for Resolution No. 13-45 with the following results:

Voting Aye: Lewis, Seiler, Feldges, Benzel.

Voting Nay: None.

Motion carried.

- Resolution No. 13-46 will approve the Construction Engineering Contract with M.C. Schaff & Associates, Inc. for the Emerson Avenue Project. City Manager Cox provided the following background information:

[The Nebraska Department of Roads (NDOR) has prepared a Construction Engineering Agreement between the City of Alliance (LPA) and M.C. Schaff and Associates (Consultant) for Federal Aid Transportation Project, Emerson Avenue, 18<sup>th</sup> Street to 25<sup>th</sup> Street (Project Number: URB-6255(3), Control Number: 51450).

NDOR oversight of Federal Aid Transportation Projects for Local Public Agencies (LPA), such as Alliance, require that a number of specific steps be followed in order for funding to be authorized and appropriated. Inasmuch, the

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approval of the execution of the Construction Engineering Agreement is one of the final steps.

The attached Construction Engineering Agreement referred to herein, is the fourth of four major agreements required for Federal Aid Transportation Projects. The previous three major agreements prepared by NDOR and executed by the City of Alliance are:

Project Program Agreement between the City and NDOR  
 Preliminary and Final Design Engineering Agreement between the City and Consultant  
 Construction Services Agreement between the City and Contractor

Construction Engineering for Federal Aid Transportation Projects consists of providing and/or assisting with the following nine major construction services:

- Assisting with Project Management
- Meetings – Pre-Construction, Construction Planning and Construction Progress
- Traffic Control Plan
- Construction Survey
- Construction Consultation – Required NDOR Project Management Software daily entries
- Construction Inspection and Final Inspection
- Material Sampling
- As-Built Drawings
- Project Closeout]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve Resolution No. 13-46 which follows in its entirety:

#### RESOLUTION NO. 13-46

*WHEREAS*, The City of Alliance is developing a transportation project for which it intends to obtain Federal funds; and

*WHEREAS*, The City of Alliance as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of this Federal-aid project ; and

*WHEREAS*, The City of Alliance and M.C. Schaff & Associates, Inc. wish to enter into a Professional Services Agreement to provide construction engineering services for the Federal-aid project.

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*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 attached Construction Engineering Services Agreement between the City of Alliance and M.C. Schaff & Associates, Inc.

NDOR Project Number: URB-6255(3)  
 NDOR Control Number: 51450  
 NDOR Project Description: Emerson Avenue, 18<sup>th</sup> – 25<sup>th</sup> Street

Roll call vote for Resolution No. 13-46 with the following results:

Voting Aye: Lewis, Seiler, Feldges, Benzel.

Voting Nay: None.

Motion carried.

- The next matter before Council was Resolution No. 13-47 approving the Construction Engineering Contract with M.C. Schaff & Associates, Inc. for the Potash Avenue Project. City Manager Cox provided the following background information:

[The Nebraska Department of Roads (NDOR) has prepared a Construction Engineering Agreement between the City of Alliance (LPA) and M.C. Schaff and Associates (Consultant) for Federal Aid Transportation Project, South Potash Avenue, Kansas Street to 2<sup>nd</sup> Street (Project Number: URB-6263(1), Control Number: 51347).

NDOR oversight of Federal Aid Transportation Projects for Local Public Agencies (LPA), such as Alliance, require that a number of specific steps to be followed for funding to be authorized and appropriated. Inasmuch, the approval of the execution of the Construction Engineering Agreement is one of the final approval steps.

The attached Construction Engineering Agreement referred to herein, is the fourth of four major agreements for Federal Aid Transportation Projects. The previous three major agreements prepared by NDOR and executed by the City of Alliance are:

Project Program Agreement between the City and NDOR:

- Preliminary and Final Design Engineering Agreement between the City and Consultant
- Construction Services Agreement between the City and Contractor

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Construction Engineering for Federal Aid Transportation Projects consists of providing and/or assisting with the following nine major construction services:

- Assisting with Project Management
- Meetings – Pre-Construction, Construction Planning and Construction Progress
- Traffic Control Plan
- Construction Survey
- Construction Consultation – Required NDOR Project Management Software daily entries
- Construction Inspection and Final Inspection
- Material Sampling
- As-Built Drawings
- Project Closeout]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve Resolution No. 13-47 which follows in its entirety:

RESOLUTION NO. 13-47

*WHEREAS*, The City of Alliance is developing a transportation project for which it intends to obtain Federal funds; and

*WHEREAS*, The City of Alliance as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of this Federal-aid project ; and

*WHEREAS*, The City of Alliance and M.C. Schaff & Associates, Inc. wish to enter into a Professional Services Agreement to provide construction engineering services for the Federal-aid project.

*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 attached Construction Engineering Services Agreement between the City of Alliance and M.C. Schaff & Associates, Inc.

NDOR Project Number:      URB-6263(1)  
 NDOR Control Number:     51347  
 NDOR Project Description:  South Potash Avenue, Alliance

Roll call vote on Resolution No. 13-47 with the following results:

Voting Aye:  Lewis, Seiler, Feldges, Benzel.

Voting Nay:  None.

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Motion carried.

- The next agenda item for discussion was Resolution No. 13-48 which grants permission to the Winifred G. Knoflicek Library Foundation of Alliance, Inc. and the Friends of the Library to purchase VendPrint Software for the management of the Library computer lab. City Manager Cox provided the following background information:

[The Alliance Public Library Staff has researched library management systems and is recommending two software programs through the VendPrint Company (Access Manager, which will administer patron computer use and VendPrint Professional, which will control printing from the computer lab). This software and the associated equipment will manage the library computer lab through the use of the swipe cards issued to patrons. It will also manage print jobs and copy fees; set time limits for computer usage; and manage waiting lists. This system is becoming the norm for libraries and will enable the Alliance Public Library to bring the latest in technology to our patrons in terms of customer service and privacy and increase overall efficiency.

Access Manager will benefit the library staff by systematically assigning computer stations which will reduce distractions such as patrons clustering at computers, switching computers or utilizing multiple computers at one time. It will also maintain accurate and confidential electronic records of patrons thereby eliminating the need for sign-in clipboards. The system will allow the denial of access to patrons with unpaid fines and overdue materials. This software will also assist with shutdown of computers at closing time.

VendPrint Professional is a program that will filter all print jobs from the computer lab to a print kiosk. Patrons will request a print job and confirm the number of pages to be printed eliminating wasted supplies. The patrons will be required to pay for their request prior to the release of the job to the printer. Items that are not paid for within a set amount of time will be automatically deleted from the print queue.

The initial cost for the VendPrint software will be \$6,000. The Alliance Public Library Foundation has committed to paying \$4,000 of that cost with the Alliance Public Library Friends of the Library agreeing to pay the additional \$2,000. The yearly cost of maintenance and management of the software from VendPrint will be \$1,200, with the first payment due in the spring of 2014. The Library's current database subscription operating budget will cover this annual fee in 2013-14. Inasmuch, the VendPrint software request does not require additional budget authority.]

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Library Director Stephanie O'Connor and Technical Services Librarian Tiffany Hickox were present to speak on behalf of the library receiving Vendprint software and the benefits of the program to aid with monitoring of the public library computer lab.

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 13-48 which follows in its entirety:

RESOLUTION NO. 13-48

*WHEREAS*, The City of Alliance owns and operates the Alliance Public Library; and

*WHEREAS*, The Winifred G. Knoflicek Library Foundation of Alliance, Inc. has requested to donate \$4,000.00 to purchase VendPrint Software to manage the Library computer lab through the use of swipe cards issued to patrons; and

*WHEREAS*, The Alliance Friends of the Library group has also expressed their commitment to fund the remaining \$2,000.00 required for the purchase; and

*WHEREAS*, The City Council believes it is in the best interest of the City of Alliance to accept the donation from the Winifred G. Knoflicek Library Foundation of Alliance, Inc. and the Friends of the Library.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the donation of VendPrint Software to manage the Library computer lab be accepted.

Roll call vote on Resolution No. 13-48 with the following results:

Voting Aye: Lewis, Benzel, Feldges.

Abstain: Seiler.

Voting Nay: None.

Motion carried.

- Board vacancies were the final items addressed by Council.

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, Community Garden 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](http://www.cityofalliance.net).

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- Mayor Feldges stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:30 p.m.”

(SEAL)

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Fred Feldges, Mayor

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Tarrah Johnson, Administrative Secretary

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