

July 11, 2013

ALLIANCE CITY COUNCIL

REGULAR MEETING, MONDAY, JULY 11, 2013

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

The Alliance City Council met in a Regular Meeting, July 11, 2013 at 7:00 p.m. at the Alliance Learning Center, 1750 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on July 3, 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 July 11, 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 agenda item was the introduction of James “JT” Conyers; Police Officer for the City of Alliance.
- Next on the agenda was the Consent Calendar. Councilman Benzel made a motion, which was seconded by Councilman Seiler to approve the Consent Calendar as follows:

CONSENT CALENDAR – JULY 11, 2013

1. Approval: Minutes of the Regular Meeting, June 24, 2013.
2. Approval: Payroll and Employer Taxes for the period June 8, 2013 through June 21, 2013 inclusive: \$191,765.45 and \$13,675.65 respectively.

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3. Approval: Claims against the following funds for the period June 20, 2013 through July 5, 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; \$930,349.40.
4. Approval: Addendum to the Agreement for Contribution with Keep Alliance Beautiful to extend the current term through September 30, 2013. This will have the Contribution Agreement coincide with the City's fiscal year.
5. Approval: The Alliance Park Foundation is requesting permission to conduct their 6th Fountain Festival. This event is a fund raising event which has had success in raising substantial funds for the benefit and enhancement of the Alliance Parks System. This year's event is proposed for Friday, September 6, 2013 between 5:00 p.m. and 11:30 p.m. and will be held at the fountain and will require the closure of Niobrara Avenue between 10th and 12th Streets. The event will consist of a hamburger feed and street dance.
6. Approval: Resolution No. 13-71 granting an Airport Ground Maintenance Lease to Larry Lower for a term expiring December 31, 2013. The fee is established at \$6.00 per ton of hay harvested from the described land.

7. Approval: The issuance of the following Contractor licenses:

Limited and Specialty	Monte Hankins dba Panhandle Gutter
Repair & Maintenance	Larry L.S. Bolinger dba Bolinger & Associates James M. Burk dba Gators Repair, Remodeling & Roofing
General Contractor	ABC Seamless (contingent upon payment of delinquent landfill fees)

NOTE: City Manager Cox has reviewed these expenditures and to the best of his knowledge confirms that they are within budgeted appropriations to this point in the fiscal year.

Councilman Benzel made an inquiry regarding the billing from Source Gas for the Library and requested staff insure the amount was correct.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

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- The next matter before Council was the acceptance of the Annual Report for the Public Library Foundation Board of Alliance, Inc. for the period of June 1, 2012 through May 31, 2013.

Motion by Councilman Lewis, which was seconded by Councilman Benzel to accept the Annual Report.

Roll call vote with the following results:

Voting Aye: Benzel, Lewis, Feldges, Yeager.

Voting Nay: None.

Abstaining: Seiler.

Motion carried.

- City Manger J.D. Cox gave his City Manger's Report in outline form:
 1. Leaving City
 - A. Police Office Matt Shannon has resigned his position with the City and will begin working for BNSF. We thank him for his service and wish him well.
 2. The following items will be considered by the Commission:
 - A. Grocery Kart – asked for a vacation of the alley
 - B. Rezone Request from Dan Dickinson (Syndicate Block) from C3 (Highway Commercial to M2 (Heavy Industrial)
 3. Update on Municipal Hall Step Replacement Project (Pictures)
 - A. Steps
 - B. Balcony
 - C. Flag Pole
 4. Civil Service Commission:
 - A. Thank you to Gary Christenson for his service, he has recently resigned
 - B. Welcome aboard to Dan Griess who will be filling Dr. Christensen's vacancy
 5. Alliance / Carhenge on Television
 - A. Nebraska Tourism
 - B. BYU TV (Channels)
 6. July 18th is Community Day for KENO, which adds a \$7,000 jackpot
- Mayor Fred Feldges was presented the Division II Deanie Anderson Community Award from Keep Nebraska Beautiful on the behalf of the City of Alliance. Keep Alliance Beautiful President Vickie Stinson Maddox and Director Deb Dopheide were in attendance to formally present this award to the City.
- Cynthia R.V.E. Tschacher Buckingham informed the Council of her desire to start a Welcome Wagon Chapter as well as a Ladies Club in Alliance.

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It was recommended by Staff for Ms. Tschacher Buckingham to work cooperatively with the Chamber of Commerce to finalize plans and promote the endeavors, as no formal action is required of Council.

● Council next reviewed the Refuse Rate Study presented by Mr. Phil Euler, Manager of the Engineering with Nebraska Municipal Power Pool. The following is a summary of the findings and recommendations made by Mr. Euler:

- [1. Consider adopting for budgeting purposes a Minimum Cash Reserve Policy similar to that proposed on page 5. Transfer funds from Collections to Disposal as recommended on Tables A and B, pages 3 and 4.
2. Consider changing the accounting and budgeting process to either two separate budgets or do journal entry tipping fee charges for city collection trucks and city waive accounts (interdepartmental and city customers) so that these expenses can be tracked as part of Collections' budget and as a revenue in Disposal's budget. This will allow the proper determination of net income and return on investment for each operation of Collections and Disposal.
3. Consider directing staff and NMPP to prepare Collection fees and Disposal fees to increase annual revenues 1.0% and 5.9%, respectively, to be effective October 1, 2013 and October 1, 2014. A draft ordinance to replace the current 1% increase for all fees to replace with a new Ordinance to be presented for consideration as directed.
4. Fee changes should be reviewed every other year and adjusted as necessary to recover higher or lower than assumed revenue, volume and cost escalations. Revenue adjustments for FY 2016 and 2017 will be designed at levels determined by an update to the financial Pro Forma as part of the NMPP 4-year service agreement. These should be designed to continue the process of bringing departments closer to cost of service, achieving adequate ROI of about 4% and retaining a minimum cash reserve as determined by a Minimum Cash Reserve Policy.]

Mr. Ralph Hoxworth, Owner of H&H Sanitation, 1002 West 1st Street appeared before Council and stated he began business in 1972 in Alliance and rates were \$0.40 per cubic yard and today there are \$13.00 per cubic yard. He point out that disposal rates for residents have not increased at the same percentage level. Mr. Hoxworth requested that Council make sure that the cost of services are distributed fairly. He also informed Council that his company for many years and at a great expense provided recycling services to the community without financial contribution by the City.

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- The next matter before Council was the final reading of Ordinance No. 2726. This ordinance authorizes the sale of Lots 1 through 11, Block 28, Original Town, City of Alliance, Box Butte County, Nebraska to Western Heritage Credit Union in the amount of \$75,000.00. The following background information was provided to Council:

[An "Invitation To Bid" (ITB) was prepared and issued and responses received for the sale of City-owned property located in the 100 Block of Box Butte Avenue, west side, 280-feet in length x 140-feet in width, and more particularly described as Lots 1 through 11, Block 28, Original Town Addition, to the City of Alliance, Box Butte County, Nebraska, according to the recorded plat thereof.

The City Council at their May 2, 2013 meeting approved the sale to Western Heritage Credit Union. Representatives of Western Heritage Credit Union made a presentation at the May 16, 2013 City Council meeting and stated they would be purchasing the land for the construction of a new facility which will serve as their headquarters. Due to Federal requirements, a credit union cannot borrow money for construction, rather it must be paid from funds on hand. As a result, the anticipated construction timeline for the new facility is between three and five years.

Subsequently, Council approved the first reading of this Ordinance June 13 and the second reading on June 24.

The sale of the aforementioned City-owned lot represents the continued efforts to reduce the City's vacant lot inventory and return property to the tax rolls. This sale will stimulate the economic status of the lower Box Butte Avenue area and augment the City's Streetscape and Historic Lighting project by adding an anchor business at the southernmost limits of the Streetscape project area.]

Mayor Fred Feldges excused himself from the meeting at 8:20 p.m. as he has a conflict of interest in this matter. A motion was made by Councilman Benzel, which was seconded by Councilman Lewis to acknowledge the conflict of interest declared by Mayor Feldges on the sale of property to Western Heritage Credit Union.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve the final reading of Ordinance No. 2726 which follows in its entirety:

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ORDINANCE NO. 2726

AN ORDINANCE AUTHORIZING THE SALE OF LOTS 1 THROUGH 11, BLOCK 28, ORIGINAL TOWN, CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA.

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

SECTION 1. The City of Alliance ("City") owns the following described real estate:

Lots 1 through 11, Block 28, Original Town, City of Alliance, Box Butte County, Nebraska.

SECTION 2. An offer has been made by Western Heritage Credit Union to purchase this real estate for \$75,000.00. The city is willing to accept this offer.

SECTION 3. The Mayor and City Clerk are authorized to sign a contract and deed to convey the above described real estate by Warranty Deed to Western Heritage Credit Union, on the following terms:

- a. The purchase price shall be \$75,000.00, which shall be paid at closing.
- b. Closing of the sale is conditional upon no remonstrance against the sale being filed. Closing shall take place within 30 days after the expiration of the time for filing a remonstrance against the sale or August 15, 2013, whichever occurs first.
- c. All real estate taxes and special assessments shall be prorated to date of closing. The closing costs and owner's title insurance shall be equally divided.

SECTION 4. The Clerk shall, immediately after the passage and publication of this Ordinance, publish notice of the sale and its terms for three consecutive weeks in the Times-Herald.

SECTION 5. This Ordinance shall become effective upon its passage, approval and publication as provided by law.

Roll call vote for the final reading of Ordinance No. 2726 with the following results:

Voting Aye: Benzel, Lewis, Seiler.

Voting Nay: Yeager.

Motion carried.

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Vice Mayor Seidler 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.

Mayor Feldges returned at 8:23 p.m. to participate in the remainder of the meeting.

- Resolution No. 13-72, revising the Consultant Agreement with M.C. Schaff & Associates for the Preliminary Pavement Evaluation of Runway 12/30 was the next item for discussion . The following background information was provided to Council:

[The Alliance Municipal Airport had the opportunity to apply for Federal Assistance to rehabilitate Runway 12/30. The formal application was completed and approved by Council on April 18, 2013. That was the first grant on this project and will include engineering services. 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.

Recently, the Federal Aviation Administration (FAA) notified the City that we had been approved for the resurfacing project. Of great interest to the neighbors of Alliance, the FAA approval included the entire 9000' of runway, whereas earlier, the FAA had limited their participation to just the first 6000' of the same runway. This represents a major positive step in ensuring the long-term viability of our runway and of our airport.

This is an amendment to the original engineering agreement to add the design, bidding and construction services for the runway project in the amount of \$407,910.62 for a total cost of \$427,474.24 for engineering fees.

The FAA will participate in the entire Runway at current funding levels of 90% FAA and City of Alliance 10% matching. The project is scheduled in the summer of 2014 with a detailed engineering estimate of \$7,300,000 making the City of Alliance's matching portion \$730,000.]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve Resolution No. 13-72 which follows in its entirety:

RESOLUTION NO. 13-72

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

WHEREAS, As a result of age and natural deterioration the runways are in need of rejuvenation; and

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WHEREAS, The Federal Aviation Administration authorized a cost of study grant in the amount of \$19,563.61, which was 90% funded by them; and

WHEREAS, The study is now complete and the Federal Aviation Administration determined they will participate in the entire re-surfacing of Runway 12/30 which is 9,201 feet long and 150 feet wide; and

WHEREAS, The M.C. Schaff & Associates, Inc., of Scottsbluff, Nebraska provided the engineering services for the preliminary pavement evaluation of Runway 12/30; and

WHEREAS, Amendment No. 1, to the Consultant Agreement with M.C. Schaff & Associates, Inc. has been prepared to include engineering services for the design, bidding, and construction services for Runway 12/30 Bituminous Pavement Rehabilitation at the Alliance Municipal Airport.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to sign Amendment No. 1 to the Consultant Agreement between M.C. Schaff & Associates, Inc., and the City of Alliance to provide for professional services for engineering the Design, Bidding, and Construction services for Runway 12/30 Bituminous Pavement Rehabilitation at the Alliance Municipal Airport as follows:

Preliminary Phase	\$12,668.62*
Preliminary Phase – special services (estimated)	6,895.00*
Design Phase	106,718.48
Bidding Phase	14,408.43
Construction Phase with special services (not to exceed)	286,783.71

*Amounts included in original agreement

BE IT FURTHER RESOLVED, that staff is authorized to expend the funds as set forth above in accordance with the contract to pay for the engineering services provided by M.C. Schaff & Associates, Inc., of Scottsbluff, Nebraska.

Roll call vote with the following results:

Voting Aye: Benzel, Lewis, Seiler, Feldges.

Voting Nay: Yeager.

Motion carried.

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- The next agenda item was Resolution No. 13-73, which will approve activities for the Nebraska State Fly-in at the Alliance Municipal Airport. City Manager Cox provided the following background information to Council:

[As was previously reported, we are pleased that Alliance has been selected to host the Nebraska State Fly-In. Airport Director Lynn Placek will attend the Council meeting and make a presentation detailing the event. A flyer with many of the events is included in your packet.

In conjunction with Alliance's 125th birthday celebration, the event is being supported by 125th Anniversary Celebration Committee. The most recent fly-in budget update is also included in the packet. The Committee is not only providing the event with a minimum of \$2,000 of direct funding, but is also hosting and accepting contributions on behalf of the event. To date total donations of approximately \$10,500 have been pledged. The committees are proud to be able to provide the air show and fly-in to the entire public with no set admission or entry fees. (Note that free-will donations will also be accepted at the door).

The present pledged amount will cover direct performers such as skydiving, solo aerobatics and static displays (collectively estimated to cost approximately \$10,000). In addition, a few incidental items (such as a liability insurance, public address system rental, portable toilets, advertising, electricity for vendors, etc) remain that are not yet covered by the current level of donations and pledges.

To ensure all expenses are covered, Council is requested to authorize use of Airport Contingency Funds of up to \$3,500 (liability insurance is expected to be approximately \$1,400). With just over 30 days, staff would like to be able to put finishing touches on plans with confidence that all expenses will be covered, if not by donations, then by use of Contingency Funds.

The resolution as included will:

1. Authorize the City Manager to sign the necessary agreements pending legal review and approval;
2. Accept the gift of cash payments from the 125th Anniversary Committee to be made directly to vendors;
3. Authorize up to \$3,500 of Airport Contingency to be used toward actual expenses incurred.]

A motion was made by Councilman Yeager, seconded by Councilman Seiler to approve Resolution No. 13-73 which follows in its entirety:

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RESOLUTION NO. 13-73

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

WHEREAS, The Alliance Municipal Airport will be hosting the Nebraska State Fly-in at Alliance on August 17, 2013; and

WHEREAS, The Nebraska State Fly-in at Alliance will include exhibits and displays such as skydiving, solo aerobatics, and static displays which will require entering into contracts; and

WHEREAS, The majority of the estimated \$10,000 funding for the exhibits will be provided through the fundraising efforts through the 125th Committee which is a sub-committee of the Museum Partners Foundation allowing the event at no charge to the public; and

WHEREAS, An event of this caliber also involves expenses above and beyond the entertainment such as event liability insurance coverage, equipment rental, advertising, and public utility services for vendor support; and

WHEREAS, Staff is recommending that the City Council authorize up to \$3,500.00 from the Airport Contingency Fund for the associated expenses which may not be covered through fundraising efforts.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the City Manager is authorized to enter into contracts which have been reviewed and approved by legal counsel for the exhibit and display activities associated with the Nebraska State Fly-in at Alliance which is being held on August 17, 2013.

BE IT FURTHER RESOLVED, that the City of Alliance accept funds from the 125th Committee which is a sub-committee of the Museum Partners Foundation to pay for the exhibits and displays for the Nebraska State Fly-in at Alliance.

BE IT FURTHER RESOLVED, that the City Council authorizes the use of up to \$3,500.00 from the Airport Contingency Fund to pay for the associated expenses of this event which may not be covered through fundraising efforts.

Roll call vote 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 request of Viaero Wireless for Council to discuss the zoning regulations to allow wireless telecommunications facilities in all zoning districts. The City Council did not introduce the proposed ordinance at their June 13, 2013 meeting.

Henry Jacobsen, 1496 Mountain View Drive, Lusk, Wyoming, the Engineer in Communications with Viaero Wireless was present to answer questions and concerns of the Council and public. Mr. Jacobsen's request is to allow for towers to be built in all areas of the community to increase capacity to enable subscribers to fully utilize 4G services in Alliance. The problem Viaero is facing is a capacity issue and not a coverage issue. The towers would be no taller than 75' in height. In fact, most would probably be shorter as they only need to be above the tree line.

Council expressed concerns with towers be installed anywhere. City Planner Johnson stated the proposed ordinance would require a Conditional Permit for each tower; and that installation would not be a use by right authorization. This means that the Council will be able to review and approve each tower site for appropriateness and will also request neighbor comments.

Council requested staff to bring the proposed ordinance back before Council sometime in September.

- The next matter before Council was a recommendation from staff to conduct a Special Meeting, Monday, September 30, 2013 in order to approve final bills for the fiscal year.

A motion was made by Councilman Benzel to establish Monday, September 30, 2013 at 7:30 a.m. as the date and time to conduct the Special Meeting in the City Manager's Office at 324 Laramie Avenue, Alliance, to approve the final bills for the fiscal year.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- The final item on Council's agenda was the announcement of current board vacancies.

Councilman Seiler announced that the City of Alliance continues to have vacancies on the Board of Adjustment, Community Garden Advisory Board, Economic Development Plan Application Review and Citizen Advisory Boards, and Planning Commission. Anyone interested in serving on these Boards should contact the City

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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 9:38 p.m."

(SEAL)

Fred Feldges, Mayor

Linda Jines, City Clerk