

October 3, 2013

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, OCTOBER 3, 2013

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

The Alliance City Council met in a Regular Meeting, October 3, 2013 at 7:00 p.m. at Board of Education Meeting Room, 1604 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on September 26, 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 October 3, 2013 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Feldges, Council Members Benzel, Lewis, Seiler and Yeager. Also present were City Manager Cox, City Attorney Ediger, and City Clerk Jines.

- Mayor Feldges read the Open Meetings Act Announcement.
- The first agenda item the introduction of new City of Alliance Library Clerk, Brenda Thomas.
- The next agenda item was the Consent Calendar. Councilman Benzel made a motion, which was seconded by Councilman Lewis to approve the Consent Calendar as follows:

CONSENT CALENDAR – OCTOBER 3, 2013

1. Approval: Minutes of the Regular Meeting, September 19, 2013 and the Special Meeting, September 30, 2014.
2. Approval: The issuance of a Cemetery Certificate to Larry Idleman and Margaret Idleman for Northeast Quarter (NE1/4) Lot Fourteen (14), Section Five (5), Block Two (2), Original Plat to the Alliance Cemetery.
3. Approval: The *Request for Reserved or Exclusive Use of City Streets* of the Immanuel Lutheran Church to conduct a Halloween “Trunk or Treat” event. This will be the second

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year for this event which will be held on 11th Street between Box Butte and Laramie Avenues. The event will be held on Sunday, October 27th between 5:00 p.m. and 7:00 p.m. A Certificate of Liability Insurance has been provided as required.

4. Approval: Resolution No. 13-103 granting the continuance of the Conditional Use Permit for the First Christian Church to allow for a daycare facility at Lot 7, Block 3, Second County Addition, Alliance, Box Butte County, Nebraska, commonly addressed as 912 Box Butte Avenue.

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, Yeager.

Voting Nay: None.

Motion carried.

- City Manger J.D. Cox gave his City Manager's Report in outline form:
 1. Streetscape Update – Phase I remains on schedule
 - A. BOW South; Radio Shack South - Complete
 - B. 2nd to North of Steph's Studio - West Side of Box Butte – Underway
 - C. Temporary Lighting:
 - The two southernmost street lights in the 200 block of Box Butte Avenue will be disconnected on October 15th and a temporary light will be installed in the northwest corner of 2nd and Box Butte Avenue to provide lighting during the construction.
 - The temporary lighting will be in place for approximately two weeks.
 - D. Change Order:
 - Adds:
 1. The additional cost for the thicker concrete (double layer) on the north side of the bank will around \$2,600 (about 0.5% of the contract).
 2. There may be some additional removals on the east side of the bank as well and we will not be sure until removals in the area are completed. Estimate: \$1,700.
 - Deducts:
 1. Light fixtures hopefully less expensive;
 2. Employee Departures
 - A. Allen Gerk – Maintenance Worker
 - B. Erinn Merrill – Accounting
 - C. Kressa Hansen – Police Officer
 - D. Steven Gerth – Librarian
 - E. Jessica Prella - Dispatcher

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3. West Side Landscaping Project **Copy in Packet (Kevin Howard)
 4. Fountain – Winterizing
 5. Flooding – BNSF – erosion; Sent letter
 6. Library Roof/Skylight Update
 7. Carhenge!
 - A. Great Staff participation
 - B. Site looks terrific
 - C. FOC compliments
 8. AOTB **Handout
 9. Upcoming Meetings:
 - A. October 17:
 - Rezone Request-Sturdevants:C2 (Central Busn Commercial) to C3 (Hwy Comm)
 - Laing Lake Update – Next Council meeting
 - Adoption of the 2014 Meeting Calendar
 - Fireworks Ordinance
 - Cell Towers
 - Bus Shelter Lease Agreement
 - Possibly Set Date with County Commissioners
 - B. Future:
 - Nuisances – Height of Grass Acceptable – 8”
 - Streets Update – Needs a little more time
- The next matter before was the first reading of Ordinance No. 2741 which will approve the rezoning request of Scott Bolinger to rezone Lot 28, County Addition to the City of Alliance from R-1 (Single Family Residential) to R-3 (Multi-Family Residential). Council was provided with the following background information:

[The City of Alliance is in receipt of a request from Scott Bolinger to rezone Lot 28, County Addition to the City of Alliance from R-1 – Single Family Residential to R-3 – Multi-Family Residential. This property is the location of the former Central School Building.

Mr. Bolinger made this request in 2012 and was heard by the Alliance Planning Commission at their July 10, 2012 meeting. At that time, the Planning Commission denied recommendation to the City Council due to the lack of a solid plan.

The Alliance City Council in turn, considered the matter at their August 2, 2012 meeting and concurred with the Planning Commission that a more detailed business plan is required before moving forward. Following the meeting a letter was mailed to Mr. Bolinger informing him that in order to move forward with his request he would be required to present a detailed Business Plan to the Planning Commission.

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Mr. Bolinger e-mailed me on August 13, 2013 requesting to be placed on a Planning Commission agenda to consider his rezoning request; however he wanted to change the zoning to C-1 – Neighborhood Commercial District. I informed him the new zoning designation request would require a new application. He then informed me he wanted to move forward with the original application and provided an updated Business Plan.

The following items have been included in your packet for your review:

1. Recently submitted Revised Central Estates Business Plan;
2. Chain of e-mail exchanges regarding the request to be on the agenda;
3. Original Application for Rezoning;
4. Map identifying the property;
5. Excerpt of the Alliance Planning Commission Minutes of July 10, 2012;
6. Original Business Plan Submittal, which includes Short Form
7. Excerpt of City Council Minutes of August 2, 2012;
8. Letter to Mr. Bolinger following August 2, 2012 City Council Meeting.
9. Sample Forms & Checklists which have been prepared to assist the public with the building permit process.
10. Draft minutes of the September 10, 2013 Alliance Planning Commission

Staff has reviewed Mr. Bolinger's Business Plan. Should the City Council move forward with the rezoning approval; prior to Mr. Bolinger proceeding with the proposed remodel, he will be required to obtain a building permit. The building permit application will require the submittal of plans that are designed and stamped by a Nebraska Engineer or Architect in accordance with state law. This requirement has not been included within the revised Business Plan, and probably should be.]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve the first reading of Ordinance No. 2741. City Clerk Jines read the Ordinance by title which follows in its entirety:

ORDINANCE NO. 2741

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, AMENDING THE DISTRICT ZONING MAP TO SHOW THAT LOT 28, COUNTY ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, IS NOW INCLUDED AS A R-3 MULTI-FAMILY RESIDENTIAL DISTRICT FROM A R-1 SINGLE FAMILY RESIDENTIAL DISTRICT, AND REPEALING PRIOR SECTIONS.

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

SECTION 1. Section 115-76 of the Alliance Municipal Code is amended to provide as follows:

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115-76. DISTRICT MAP ADOPTED

(a) Boundaries of the districts, as enumerated in section 115-75 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.

(b) 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 _____, 2013, is now the official Zoning District Map.

SECTION 2. Previously existing Section 115-76, 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.

Mr. Scott Bolinger addressed Council stating he was an Alliance resident and was seeking the rezoning of the property to accommodate an apartment complex. In the future he would also like to provide senior assisted living facilities. Mr. Bolinger stated he understands that he will be required to submit plans from a registered architect or licensed professional engineer.

City Manager Cox asked Mr. Bolinger about the upkeep of the property and the need to maintain it in a better condition than is being done at this time.

Roll call vote on the first reading of Ordinance No. 2741 with the following results:

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

Voting Nay: None.

Motion carried.

- The first reading of Ordinance No. 2742 was the next item for Council's review. Ordinance No. 2742 will amend the adopted refuse rate ordinance to include an asbestos disposal fee and clarifying the commercial rate by container size. Council was provided with the following background information:

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[The Council approved an ordinance at their last meeting, September 19, 2013 establishing new refuse rates. The new rates were established based on a refuse rate study that was completed by Mr. Phil Euler (Manager of Engineering with Nebraska Municipal Power Pool, known as NMPP). The recommendation as a result of the study was to continue with the previously Council approved annual 1% increase for collection rates and to increase disposal rates at the landfill by an average of 5.9% for each of the next two years.

When preparing the new rate ordinance the “Commercial – City” rate did not denote the difference between container sizes which are available. The City provides two sizes, the 3 yard container which was included within the ordinance and a 1.5 yard container which was omitted. In addition, the rate for asbestos disposal was also omitted.

Staff is recommending the inclusion of these items within our rate structure.]

A motion was made by Councilman Yeager, seconded by Councilman Lewis to approve the first reading of Ordinance No. 2742. City Clerk Jines read the Ordinance by title which follows in its entirety:

ORDINANCE NO. 2742

AN ORDINANCE AMENDING DISPOSAL RATES FOR SOLID WASTE AND REPEALING PORTIONS OF ORDINANCES OR RESOLUTIONS NOT CONSISTENT WITH THE CHANGES HEREIN.

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

SECTION 1. Staff from the City’s Refuse and Finance Departments has prepared amendments to disposal rates for solid waste resulting from the findings of the Cost of Service and Rate Design Study conducted by the Nebraska Municipal Power Pool for submission to the City Council.

SECTION 2. The City Council has received and reviewed the proposed changes and finds such changes to be in the best interest of the City of Alliance and should be therefore adopted. All is hereby amended with an effective date of this ordinance, in the following particulars:

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		October 1, 2013	October 1, 2014
Rate Class	Existing Rate	Rates	Rates
Residential – City	\$16.67	\$16.84	\$17.00
Commercial – City (3 yard container)	82.82	83.65	84.50
Commercial – City (1.5 yard container)	42.42	42.84	43.26
Disposal Fee Types			
Asbestos	151.50	161.00	172.00
Ashes	45.45	48.10	51.00
Brush	15.15	15.50	16.00
Construction and Demolition	45.45	48.75	52.70
Contaminated Soil	75.75	80.50	86.00
Fill	12.12	12.85	14.00
Grass	-	-	-
Leaves	-	-	-
Metal	18.18	18.00	19.00
Municipal Solid Waste	47.98	50.38	53.25
Non-baleable MSW	75.75	80.50	86.00
Pallet	18.18	19.25	20.60
Shingles	45.45	48.75	52.70
Soil	-	-	-
Tire – Truck and Tractor	15.15	16.00	16.85
Tire – Amnesty	-	-	-
Tire – Over 16”	8.08	8.00	8.50
Tire – Passenger	5.05	5.00	5.25
Weeds	-	-	-
White Goods	10.10	10.00	10.50
White Goods w/Freon	25.25	25.00	26.50

SECTION 3. All other ordinances, resolutions, or policies of the City of Alliance not consistent with the amendment made herein are hereby repealed.

SECTION 4. This ordinance shall go into effect upon its passage and approval.

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

Roll call vote to waive three readings of Ordinance No. 2742 with the following results:

Voting Aye: Benzel, Lewis, Feldges, Seiler

Voting Nay: Yeager.

Motion carried.

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Roll call vote for the final reading of Ordinance No. 2742 with the following results:

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

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 final reading of Ordinance No. 2740, which will amend the Alliance Municipal Code with regard to water rate revisions. Council was provided with the following background information:

[Council participated in a discussion at the August 21 Council meeting regarding water rates. It is evident that the annual overall automatic 1% increase in rates is not sufficient for the 2013-14 fiscal year based on the following observations:

- Cash flow for the water department has been negative for eight of the past thirteen months with the higher summer revenues required to generate the overall profit. Simply stated, the department presently reliant on high summer demand and the conservation rates in order to generate sufficient revenue to break even on operations.
- Large increases in scheduled electric costs necessary for pumping water for the City most likely will more than consume the additional revenue from the scheduled automatic 1% increase in rates.
- Major pending infrastructure upgrades will require funding that is not presently included within the current rate structure.

Three different scenarios for service charge rate adjustments were prepared for Council that should generate between \$90,000 and \$95,000. The scenarios have a different allocation between the various meter sizes with a slightly different impact to consumer groups.

- Scenario 1 – This is the original scenario discussed at the Council meeting on August 21 with changes varying from 7% to 28% or \$2.17 to \$14.40 per month.
- Scenario 2 – This scenario ensures a 25% to 27% increase on the service charge rate for all consumers without respect to maintaining the proportionate increases between meter sizes. Actual rate increases range from \$1.97 to \$40.01 per month.
- Scenario 3 – The final scenario has a greater variance in the percentage increases (22% - 35%); however, maintains more consistency in the proportionate increases between meter sizes. This scenario also

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establishes a separate base for the one-inch meter which was included in the same pricing as those meters less than one inch. Actual rate increases range from \$1.72 to \$30.01 per month.

The ordinance as originally prepared was based on Scenario 3; however, Council selected the Scenario 2 which is the basis for the current version. As a side note, the 1% increase on consumption rates will generate an additional \$10,000 to \$15,000.]

A motion was made by Councilman Seiler, seconded by Councilman Benzel to approve the third reading of Ordinance No. 2740. City Clerk Jines read the Ordinance by title.

ORDINANCE NO. 2740

AN ORDINANCE AMENDING WATER RATES AND REPEALING PORTIONS OF ORDINANCES OR RESOLUTIONS NOT CONSISTENT WITH THE CHANGES HEREIN.

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

SECTION 1. Staff from the City’s Water and Finance Departments has prepared amendments to water rates for submission to the City Council.

SECTION 2. The City Council has received and reviewed the proposed changes and finds such changes to be in the best interest of the City of Alliance and should be therefore adopted. All is hereby amended with an effective date of this ordinance, in the following particulars:

Within the City limits - Residential Urban

Block 1	\$1.291 per 100 cubic feet
Block 2	\$1.458 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount.
Block 3	\$1.796 per 100 cubic feet for the next 2500 cubic feet after base usage and Blocks 1 and 2
Block 4	\$2.244 per 100 cubic feet for any amount over Blocks 1, 2, and 3

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Outside the City limits - Residential Rural

Block 1	\$1.420 per 100 cubic feet
Block 2	\$1.604 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount.
Block 3	\$1.975 per 100 cubic feet for the next 2500 cubic feet after base usage and Blocks 1 and 2
Block 4	\$2.468 per 100 cubic feet for any amount over Blocks 1, 2, and 3

Within the City limits - Commercial Urban

Block 1	\$1.291 per 100 cubic feet
Block 2	\$1.458 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount.
Block 3	\$1.796 per 100 cubic feet for the next 2500 cubic feet after base usage and Blocks 1 and 2
Block 4	\$2.244 per 100 cubic feet for any amount over Blocks 1, 2, and 3

Outside the City limits – Commercial Rural

Block 1	\$1.420 per 100 cubic feet
Block 2	\$1.604 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount.
Block 3	\$1.975 per 100 cubic feet for the next 2500 cubic feet after base usage and Blocks 1 and 2
Block 4	\$2.468 per 100 cubic feet for any amount over Blocks 1, 2, and 3

Manufacturing Rate

Manufacturing Rate is \$1.255 per 100 cubic feet.

Industrial Park Rate

The Industrial Park Rate is \$1.403 per 100 cubic feet.

Municipal Rate

The Municipal Rate is \$1.050 per 100 cubic feet, and will not incur a monthly service charge for each account.

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Service Charge

There shall be a monthly service charge for each account serviced by Alliance Municipal Water System of.

<u>Meter Size</u>	<u>Service Charge</u>	<u>Meter Size</u>	<u>Service Charge</u>
5/8"	\$9.75	3"	\$70.00
3/4"	\$9.75	4"	\$90.00
1"	\$9.75	6"	\$133.00
1-1/2"	\$21.00	8"	\$190.00
2"	\$42.00		

SECTION 3. All other ordinances, resolutions, or policies of the City of Alliance not consistent with the amendment made herein are hereby repealed.

SECTION 4. This ordinance shall go into effect on billings rendered October 1, 2013 and thereafter.

Roll call vote for the final reading of Ordinance No. 2740 with the following results:

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

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.

- Resolution No. 13-100 was the next item for discussion. Resolution No. 13-100 will adopt the updated Alliance Public Library Policies, Regulations and Procedures. Council was provided with the following background information:

[The Alliance Library Board has suggested some revisions to the current policy manual. The manual as a whole was dated and had not been revised in several years. There are multiple changes included in the highlighted areas in the attached marked copy with a few of those having significant impact on the library and the patrons it serves. Adam Hoelsing, the City's legal counsel has also reviewed the document and suggested changes which have been incorporated for Council's consideration.

The following list details the more significant changes:

- Library Card Fee. Implementation of a \$25 annual fee for library patrons who do not reside within the Alliance city limits. Staff has been

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challenged to look at new revenue streams and this was suggested as a way to bring more financial support to the library. The library's budget comes from property tax which means that individuals who do not live within the City of Alliance but who use the library are not contributing to its support. The proposed fee will be paid annually on October 1st. While fees such as this are becoming the norm in Eastern Nebraska libraries with fees ranging from \$1 to \$75 per year, Alliance would be the first library in the Panhandle to charge. The board felt that the \$25 fee was both adequate and moderate in comparison to other libraries throughout the state.

- Internet Policy Description. This revision discloses that there is filtering software on the public lab computers. This allows protection for children from inappropriate material while not practicing censorship for adult patrons. Adults may still access the unfiltered wireless in the Tech Boutique, which is open only to those 18 years of age and over. Also, patrons who access public wireless using their own devices are not subjected to the library's filtering software.
- Other Fee Changes. Due to rising supply costs, it is suggested that copy fee rates be adjusted from the current 10 cents per page to 25 cents per page. Book fines are proposed to increase from 10 cents per day to 25 cents per day simply because the current rate is not seen as a deterrent.
- Additional Revisions. There are areas of the manual that were deleted as they described methods using old equipment or dealt with policies that apply to materials the library no longer possesses. There are additional changes in terminology that the Board felt better clarified the intentions of some policy statements.]

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 13-100, which follows in its entirety:

RESOLUTION NO. 13-100

WHEREAS, The City of Alliance owns and operates the Library Learning Center; and

WHEREAS, Policies for the use of the library are established by the City Council; and

WHEREAS, The Library Board has proposed certain amendments to current library policies, regulations and procedures; and

WHEREAS, The proposed policy, regulation and procedure revisions have been prepared and reviewed by library and the legal staff; and

WHEREAS, The City Council has reviewed the proposed changes to current library policies, regulations and procedures; and find them appropriate for the needs of the Library.

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Alliance Public Library Policies, Regulations and Procedures as revised, set forth herein, are hereby approved, and adopted effective October 3, 2013 as the Alliance Public Library Policies, Regulations and Procedures of the City of Alliance.

BE IT FURTHER RESOLVED, those provisions of the Alliance Public Library Policies, Regulations and Procedures not consistent herewith are hereby repealed.

A motion was made by Councilman Seiler, seconded by Councilman Lewis making an amendment to the policy and regulations to reflect that the internet will not be filtered.

Roll call vote on the amendment with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote on the approval of Resolution No. 13-100 with the following results:

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

Voting Nay: None.

Motion carried.

- Council considered Resolution No. 13-101, which changes the City's current Sidewalk Replacement Program by modifying the method of payment for the City's participation. Council was provided with the following background information:

[The sidewalk replacement program began in 1996 under provisions of a plan adopted by Resolution No. 96-90. The plan as it currently exists provides that the City shares 50/50 with the replacement of sidewalks. The City has invested significantly towards the replacement of sidewalks since the program's inception. Present City costs amount to \$211 per cubic yard with \$20,000 included in the approved 2013-14 budget.

Staff has recommended a revision to the sidewalk replacement program that will allow property owners to hire licensed contractor(s) of their choice to replace damaged sidewalks in areas required by Municipal Code. In order to continue to provide assistance and incentive to property owners, the City would contribute \$200 per cubic yard toward the cost of the replaced sidewalk. Projects would be pre-approved by the Public Works Director and payment would be directly to the contractor. This change eliminates the tasks of bidding and contracting; pre-collection of repair funds from property owners; and scheduling and tracking of

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jobs by City staff and yet allows continued assistance with sidewalk replacement within the community while placing the responsibility upon the property owner for scheduling of the projects. The change will free up time for City staff to work on other high priority items, and continue to provide assistance to our neighbors for property safety and enhancements.]

A motion was made by Councilman Benzel, seconded by Councilman Yeager to approve Resolution No. 13-101 as amended, which follows in its entirety:

RESOLUTION NO. 13-101

WHEREAS, The City of Alliance has authority pursuant to statute and the Alliance Municipal Code to require sidewalks and establish standards for their construction and maintenance; and

WHEREAS, There are numerous sidewalks within the City of Alliance which are deteriorated and need repair; and

WHEREAS, A Sidewalk Replacement Program has been established which provides for a cost-sharing program to assist in the repair of sidewalks that are on the municipal right of way; and

WHEREAS, The City Council finds that it is of benefit to all citizens of the City of Alliance to commit general funds to the extent of a funding match to assist in the rehabilitation of existing sidewalks to promote public safety; and

WHEREAS, Staff is recommending a modification to the program which will provide a cost share in the amount of \$200 per cubic yard toward the cost of the replaced sidewalk at residential locations and up to five cubic yards of sidewalk for commercial locations. The City's payment will be paid directly to the licensed contractor, as approved by the Public Works Director; with the property owner securing the services of a licensed contractor.

NOW, THEREFORE, BE IT RESOLVED, By the Mayor and Council of the City of Alliance, Nebraska, that the Sidewalk Replacement Program is hereby modified to allow for a cost share in the amount of \$200 per cubic yard toward the replaced sidewalk with a limit of five cubic yards of sidewalk for commercial locations. The City's payment will be paid directly to the contractor, as approved by the Public Works Director.

BE IT FURTHER RESOLVED that the Sidewalk Replacement Program will be administered by the Public Works Director as budgetary allocations are available.

A motion was made by Councilman Benzel, seconded by Councilman Yeager to set a limit of five cubic yards of sidewalk repair for commercial locations.

Roll call vote on the amendment with the following results:

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

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Voting Nay: None.

Motion carried.

Roll call vote for Resolution No. 13-101 as amended with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was Resolution No. 13-102 which will adopt the recommendation of the Economic Development Plan Citizens' Advisory Board to approve a policy clarification for the use of LB840 funds. Council was provided with the following background information:

[On September 9, our City of Alliance Economic Development Plan Citizens' Advisory Board met to review the City's LB840 Economic Plan and to consider only one matter: to provide input and guidance on the matter of the geographic scope of the same plan. In other words, whether to recommend to City Council in favor or against allowing LB840 funds to be used outside of the immediate Alliance area.

Background:

Currently the LB840 funded projects include:

- Nebraska Transport Company (\$150,000 nonforgivable; \$50,000 forgivable)
- Tridako (\$100,000 nonforgivable; \$100,000 forgivable)
- Crossman Trailer (\$50,000 nonforgivable; \$50,000 forgivable)
- BBDC – business park development (\$361,200 nonforgivable)

Considerations:

- Inquiry has been received from a Hemingford-area business for consideration;
- Revenue for City's economic development plan is from sales tax revenue;
- A portion of the sales is paid by non-residents (although we do not have good, hard information regarding what proportion of sales tax revenues are derived from Hemingford area residents)

Legalities: It is within the State Law to consider such and it is also within the purview of the City's adopted plan to allow the same.

Con's:

- Funding a non-Alliance business could preclude those same funds from being available earlier.**

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- Potential negative community feedback

Pro's:

- Potential positive community feedback
- A portion of the sales is paid by non-residents (although we do not have good, hard information regarding what proportion of sales tax revenues are derived from Hemingford area residents);

Board Members:

Board members of the EDPCAB attending the meeting: Tim Garwood, Lori Mazanek, Terri Friesen, Frank Tolstedt.

Findings of the EDPCAB:

1. After lengthy consideration, the EDPCAP found:
2. Recommends Council approve a policy clarification that makes businesses located within Box Butte County eligible for the City's economic development plan;
3. Encourages the Village of Hemingford to adopt its own Economic Development Plan

The City Manager concurs with the EDPCAB findings and recommends approval of the policy clarification allowing use of LB840 funds for projects within Box Butte County.]

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 13-102.

A motion was made by Councilman Benzel, seconded by Councilman Seiler to edit the verbiage in the sixth paragraph, removing "within Box Butte County" and adding "not limited to the City of Alliance."

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

AMENDED RESOLUTION NO. 13-102

WHEREAS, Cities of the first class may, pursuant to §18-2701-2738 R.R.S. 2007, adopt economic development programs, and fund such programs with local option sales tax revenues; and

WHEREAS, The Alliance Economic Development Plan was adopted by the City of Alliance in 2010; and

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WHEREAS, The City Council of Alliance, Nebraska, found the Alliance Economic Development Plan contained the elements required by §18-2710 R.R.S. 2007, and provides the opportunity to assist business enterprises; and

WHEREAS, A policy clarification is being recommended by the Alliance Economic Development Citizens' Advisory Board that the use of said funds will not be limited to businesses within the City limits, and can be used as it is in the best interests of the community; and

WHEREAS, The City Council would like to encourage the Village of Hemingford to adopt an Economic Development Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska to approve the policy clarification recommended by the Alliance Economic Development Citizens' Advisory Board that the use of said funds will not be limited to businesses within the City limits.

BE IT FURTHER RESOLVED that the Alliance City Council encourages the Village of Hemingford to adopt an Economic Development Plan to have available local option sales tax revenues to provide opportunities to assist business enterprises within their area.

Roll call vote for Resolution No. 13-102 as amended with the following results:

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

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 Community Garden Advisory Board and Economic Development Plan Application Review. 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 9:17 p.m."

(SEAL)

Fred Feldges, Mayor

Linda Jines, City Clerk