

October 17, 2013

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, OCTOBER 17, 2013

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

The Alliance City Council met in a Regular Meeting, October 17, 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 October 10, 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 17, 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 Page, Morgan Murphy.
- The next agenda item was the Consent Calendar. Councilman Benzel made a motion, which was seconded by Councilman Seiler to approve the Consent Calendar as follows:

CONSENT CALENDAR – OCTOBER 17, 2013

1. Approval: Minutes of the Regular Meeting, October 3, 2013.
2. Approval: Payroll and Employer Taxes for the period September 14, 2013 through September 27, 2013 inclusive: \$176,347.13 and \$12,500.70 respectively.
3. Approval: Claims against the following funds for the period September 26, 2013 through October 10, 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; \$387,778.97.

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4. For Your Information: Attached is a listing of Demand Checks which were generated over the last financial quarter ending September 30, 2013. The report lists checks that have been issued which are not expenses within the budget. These are primarily made up of meter deposit refunds, utility overpayments and an occasional check which was required to be reissued.
5. Clarification: Ordinance No. 2739 was passed and adopted by the City Council at their regular meeting, September 19, 2013. The attachment to the ordinance titled "Classification Plan" left off the following three positions: Electric Line Crew Chief, Police Officer I and Public Safety Dispatcher. The mistake happened as a result of reformatting and a corrected listing has been included for Council's information.
6. Approval: The acceptance of a Quitclaim Deed from Jeremy Dean and Jessica Dean for the West One Half (W1/2) Lot Five (5), Section Two (2), Block Twenty-two (22), Alliance Cemetery Fourth Addition and the West One Half (W1/2) Lot Six (6), Section Two (2), Block Twenty-two (22), Alliance Cemetery Fourth Addition to the City of Alliance and to reconvey the same to Jeremy Dean.
7. Approval: The issuance of the following Contractor licenses:

Repair and Maintenance

Charlie Krantz dba Alliance Seamless Gutter
Circle J Glass N' More

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.

- Conflict Claims reimbursing Council Members for mileage while attending the League of Nebraska Municipalities Annual Conference in La Vista, NE was the next agenda item.

A motion was made by Councilman Benzel, which was seconded by Councilman Lewis to approve the Conflict Claim of Mayor Fred Feldges for mileage reimbursement in the amount of \$508.50.

Roll call vote with the following results:

Voting Aye: Benzel, Lewis, Seiler, Yeager.

Abstaining: Feldges.

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Voting Nay: None.

Motion carried.

A motion was made by Councilman Benzel, which was seconded by Councilman Seiler to approve the Conflict Claim reimbursement of Councilman Wally Seiler for mileage reimbursement in the amount of 508.50.

Roll call vote with the following results:

Voting Aye: Benzel, Lewis, Feldges, Yeager.

Abstaining: Seiler.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Benzel, which was seconded by Councilman Seiler to approve the Conflict Claim reimbursement of Councilman Rachel Lewis for mileage reimbursement in the amount of \$508.50.

Roll call vote with the following results:

Voting Aye: Benzel, Seiler, Feldges, Yeager.

Abstaining: Lewis.

Voting Nay: None.

Motion carried.

- City Manger J.D. Cox gave his City Manager's Report in outline form:
 1. Streetscape Update – Phase 1 remains on schedule
 - A. BOW East; Tear out of East side of South portion of 200 Block
 - B. Curb & Guttering
 2. Employee Changes – See Attached
 3. Cable System Agreement-Sent official upgrade request today (Council Room Broadcast & Ch 6 Access)
 4. Assistance to Chadron – Snow Storm – Sent two bucket trucks
 5. Community Garden – Wrapping up
 6. NDOR announced traffic counters (10/21-10/25) for 48 hours at 46 locations around Alliance

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7. NDOR Street Supt Designation: Jeff Wolfe (MC Schaff) agreed to serve at no additional charge
8. Police – Traffic Backups at Middle School; No left turns from 11th onto Box Butte; Officers posted
9. Pursuing Goal: ICMA Credentialing
10. Carhenge – new website – Carhenge.com
11. AOTB
12. Upcoming Meetings:
 - A. November 7:
 - ??Rezone Request-Sturdevants:C2 (Central Busn Commercial) to C3 (Hwy Comm)
 - ??Preliminary & Final Plat Request – Dan Dickinson Syndicate Block
 - Bus Lease Agreement with Box Butte Transit
 - Senior Center Agreement (requested by Councilmember Lewis)
 - Condemnations (did receive bids)
 - B. Future:
 - Senior Center Agreement (requested by Councilmember Lewis)
 - Nuisances – Height of Grass Acceptable – 8”
 - Business District – Code calls for a Board ...not currently in place.
 - Conversations regarding Local Historic District
13. Congratulations to Mayor Fred Feldges selection to LNM Governing Body & Happy Birthday!!
14. J.D. will be on vacation Wednesday through Friday of next week.

- The next matter before was the second 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

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request he would be required to present a detailed Business Plan to the Planning Commission.

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 Yeager to approve the second 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:

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

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 second reading of Ordinance No. 2741 with the following results:

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

Voting Nay: None.

Motion carried.

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- Resolution 13-105 authorizing the City of Alliance to enter into an Interlocal Agreement with the City of Scottsbluff to provide “Responsible Charge” services for the Box Butte Avenue Historical Lighting Project was the next item before Council. The following background information was provided to Council:

[The Nebraska Department of Roads requires the City have a designated and trained “Responsible Charge” for all federal-aid projects. For the past several years, this capacity was filled by former Streets Superintendent Eric Lenz. However, with Eric no longer with the organization, and with the next training not until later next year, it is necessary for us to contract with someone to fulfill that role for us.

After many conversations the City of Scottsbluff is willing to allow their Public Works Director, Mark Bohl, to serve us in this role to signoff on the upcoming Box butte Avenue Historic Lighting Project slated for next year.]

A motion was made by Councilman Lewis, seconded by Councilman Seiler to approve Resolution No. 13-105 which follows in its entirety:

RESOLUTION NO. 13-105

WHEREAS, Assisting LPA, has a full-time public employee on staff, who is fully qualified and has time and interest in serving as “Responsible Charge” (RC); and

WHEREAS, Receiving LPA has requested to enter into a Nebraska Local Public Agency Interlocal Cooperation Act Agreement with Assisting LPA for the services of a qualified “Responsible Charge” (RC) for a Federal-Aid project in Receiving LPA; and

WHEREAS, Receiving LPA and Assisting LPA; have agreed on the terms and conditions of said Interlocal Cooperative Agreement as submitted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Mark Bohl, Public Works Director for the City of Scottsbluff is hereby authorized to sign on behalf of LPA, the Receiving or Assisting LPA Public Entity, the Nebraska Local Public Agency Interlocal Cooperative Act Agreement for a Federal-Aid project in Receiving LPA.

NDOR Project No.: ENH-6257 (2)

NDOR Control No.: CN 51453

Project Name: Box Butte Avenue Historic Lighting

Roll call vote with the following results:

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

Voting Nay: None.

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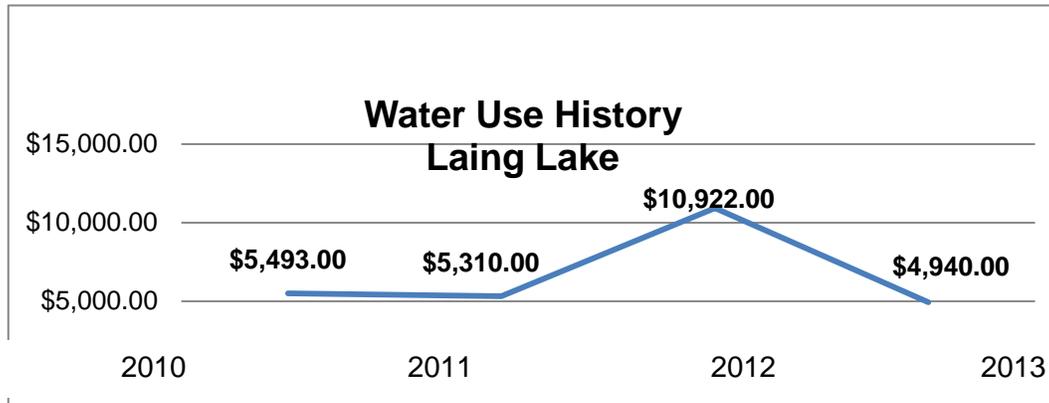
Motion carried.

- Council next conducted a general discussion regarding Laing Lake.

Cultural and Leisure Services Director Shana Brown was in attendance and provided Council the following information:

[In 2011 the City of Alliance was informed by the Upper Niobrara NRD that staff needed to reconfigure the fill line used to maintain the water level at Laing Lake. This request was made because the existing fill line was submerged under the surface of the water, and as a result, created a backflow contamination risk. In response to that request, city staff raised the fill line above the highest bank level to ensure no water from Laing Lake could be accidentally siphoned back into the ground water through the fill line.

In 2012 staff began to notice that the well previously used to fill Laing Lake was not maintaining water level as it had in the past. Staff diligently worked to determine the cause, but found no obvious evidence of leaks anywhere surrounding the lake. After evaluation with staff from Absolute Natural Resources, it was determined that the most logical water loss location was through the liner located directly under the recently elevated fill line.



Once drained, evidence on the basin floor supported the theory that turbulence from the elevated fill line eroded through the bentonite liner causing water loss through the bottom at that location. Once the basin dried, a contractor repaired the bentonite liner and installed rip-rap under the fill line to disperse water turbulence and protect the repaired bentonite liner.

Filling the lake continues, but at a much slower pace than staff would like. Previous re-fill processes have been much faster as we were able to use city water from a fire hydrant. That is not an option now because chlorine is now added to city water, and that chemical would be detrimental to the aquatic habitat within the lake.

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Although progress has been slower than we would like, progress is being made. Lower temperatures have helped speed up the fill process because less water is lost to evaporation. In addition to evaporation loss, large amounts of water are being absorbed by the bentonite liner as it is submerged once again. It will take some time for the liner to completely re-hydrate so water loss can be attributed to that as well. Based on recent observations, the existing well appears to be large enough to maintain desired water level once we get the lake full. Staff has completed some research based on several suggestions that have come up regarding changes to the fill process or configuration of Laing Lake. Below are some findings.

Burnham Well Use:

One suggestion was that we fill Laing Lake using Burnham Well. Mike Hulquist, Interim Public Works

Director provided some figures and input regarding the construction of a 4 inch water service from Burnham well to Laing Lake. His comments and figures are as follows:

Service to West Basin:	Materials	\$1,750.00	East Basin:	\$3,950.00
	Labor, equip	\$4,430.00		\$13,020.00
	Contingency	<u>\$500.00</u>		<u>\$1,000.00</u>
	Total	\$6590.00		\$17,970.00

Advantages: If Burnham well is used, Parks Division would only pay the electrical costs to operate the well during fill periods. Fill rate would be approximately twice the rate as the Nelson well, almost 600 gpm. Nelson's well could be used as supplemental to fill the lake faster and then used to maintain the water level once desired level is reached.

Challenges: Municipal wells are far more expensive to construct and maintain than irrigation wells, therefore life expectancy of the well and wear and tear need to be considered. Increased labor costs to convert the well from municipal operation to lake fill operation. Once the process is fully established, estimate 15 minutes to convert to lake fill operation.

Laing Lake Re-Configuration

There has been discussion about reducing the volume of Laing Lake to reduce the amount of water necessary to maintain a high level. Discussions have included both elimination of the West basin of the lake or simply filling the west basin of the existing island. Because we currently have a bridge over the connection point of the west and east basins, the complete removal of the West basin may create an odd appearance of a "bridge to nowhere". For that reason if we consider altering the lake configuration I would recommend eliminating the West most section of lake past the island.]

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- Council's next item for discussion was to discuss potential dates to conduct a joint meeting with the Box Butte County Commissioners. Council requested staff to invite the Box Butte County Commissioners to have a joint session and suggested a 7:00 a.m. time on one of the following dates: November 12, 18, 19, 20 or 21, 2013
- The next item on Council's agenda was Board Vacancies.

The City of Alliance is in receipt of the resignation of Jeanette Sartain and Jim Parks from the Police Advisory Board, due to relocating outside of Alliance. Mr. Parks also serves on the Economic Development Citizens' Advisory Board, which also creates a vacancy.

A motion was made by Councilman Seiler, seconded by Councilman Lewis to approve the appointment of Edison Red Nest III to serve on the Police Advisory Board as the Native American Representative. Mr. Red Nest III will have a term expiring 12/31/2015.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Councilman Seiler announced that the City of Alliance continues to have vacancies on the Community Garden Advisory Board, Economic Development Plan Citizens Advisory Board and the Police Advisory Board. 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.

- The final item before Council was the performance evaluation of City Clerk Jines. Councilman Benzel moved pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943, that the Alliance City Council hold a closed session for the purpose of the job performance evaluation of City Clerk Jines; and that the Council finds the closed session is necessary to prevent needless injury to the reputation of City Clerk Jines, and she has not requested a public hearing. The motion was seconded by Councilman Lewis.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Council and City Clerk Jines entered into closed session at 8:14 p.m.

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The Council concluded the closed session at 9:32 p.m. with a motion made by Councilman Lewis, which was seconded by Councilman Benzel.

A motion was made by Councilman Benzel, which was seconded by Councilman Lewis to authorize a one step pay adjustment to City Clerk Jines following a positive performance evaluation, to be effective with the current pay period.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Mayor Feldges stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 9:34 p.m.”

(SEAL)

Fred Feldges, Mayor

Linda Jines, City Clerk

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