

February 4, 2014

**ALLIANCE CITY COUNCIL**

REGULAR MEETING, TUESDAY, FEBRUARY 4, 2014

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

The Alliance City Council met in a Regular Meeting, February 4, 2014 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 January 28, 2014. 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 February 4, 2014 Regular Meeting of the Alliance, Nebraska City Council at 7:01 p.m. Present were Mayor Feldges, Council Members Benzel, Lewis, Seiler and Yeager. Also present were City Manager Cox, Assistant City Manager Waggener, and City Clerk Jines.

- Mayor Feldges read the Open Meetings Act Announcement.
- The first agenda item was the introduction of Alicia Templeton, the new Museum Collections Clerk.
- 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 – FEBRUARY 4, 2014

1. Approval: Minutes of the Regular Meeting, January 21, 2013.
2. Approval: Payroll and Employer Taxes for the period January 4, 2014 through January 17, 2014 inclusive: \$165,545.17 and \$11,634.66 respectively.
3. Approval: Claims against the following funds for the period January 16, 2014 through January 29, 2014: General, General Debt Service, Trust and Agency, Street, Electric,

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Refuse Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement; \$817,904.08.

4. Approval: The issuance of a Cemetery Certificate to Neil Dietrick for the South One Half of the Southwest Quarter (S1/2 SW1/4) Lot Fifteen (15), Section Two (2), Block Seventeen (17), Second Addition to the Alliance Cemetery.
5. Approval: Resolution No. 14-09 authorizing the Agreement for Contribution with Heartland Expressway in the amount of \$3,200.00 for fiscal year 2013-14.
6. For Your Information: Attached is a listing of Demand Checks which were generated over the last financial quarter ending December 31, 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.
7. Approval: The issuance of the following Contractor licenses:
 

Repair & Maintenance	Larry Lybarger dba Expedient Claim Services Inc.
Tree Surgeon	Glenn Patrone dba Patrone Landscaping & Tree Care
Master Plumber	Jerad Wilson dba Z & S Sheetmetal
Master Gas Fitter	Jerad Wilson dba Z & S Sheetmetal
Roofing	Terry M. Schank dba Twin City Roofing & Sheet Metal Inc. Forrest Rose dba Tri-State Roofing Inc.
Cement & Masonry	Ronald F. Lee dba C & R Plastering
8. Approval: The City Council approved Resolution No. 13-78 awarding the Construction Engineering Agreement to Baker & Associates, Inc. for the oversight of Phase 1 of the Streetscape and Historical Lighting Construction Project. At the time the contract was awarded staff had negotiated deductions in the final amount, as we anticipated the ability to provide City staff oversight during the construction. Unfortunately the City experienced an unexpected staff resignation which changed our participation which resulted in a \$3,936.79 overage to the contract. The overage can be handled within the department's budget authority.

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.

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Voting Nay: None.

Motion carried.

- City Manager J.D. Cox gave his City Manager's Report which is shown in outline form:
  1. Demolition Project (Toad's, City Parks Bldg, Warehouse #3)
    - A. Asbestos removal on all three facilities – complete! (Cost: \$4,582)
    - B. Going out for bids due to size
  2. Personnel –
    - A. Seasonal positions on website
    - B. Advertising: Adult Services Librarian & Dispatcher
    - C. Updates:
      - Upcoming: Lineman
      - Preparing: Airport Maintenance Worker & Public Works Director
  3. Upcoming Meetings:
    - A. February
      - Planning Commission Recommendation:  
1 & 6 Year Street Plan
      - EDPARC Recommendation:  
Funding of LB840 Application for Prairie Sky Seed Project
      - Height of Grass/Weeds
      - Refuse Truck purchase
    - B. March
    - C. April
      - Demolition Projects
  4. Amazing Places in North America
    - A. Carhenge is the featured attraction
  5. Upcoming Calendar:
    - Feb 24 & 25                    LNM MidWinter Conference (Lincoln)
    - Feb 26                            NDOR Plan in Hand Meeting
    - Feb 27 @ 7:00am            Joint Meeting with County Commission

- A Public Hearing and the first reading of Ordinance No. 2748 was the next agenda item before Council. Ordinance No. 2748 will approve the rezoning application of Immanuel Lutheran Church on behalf of Ralph Hoxworth to rezone property described as Lots 5-7, Second Addition to LeoRosa Addition to the City of Alliance from C-3 (Highway Commercial) to R-3 (Multi-Family Residential). Council was provided with the following background information:

[Immanuel Lutheran Church has applied for the rezoning of property located at 1312 East 10<sup>th</sup> Street (known as Skateland) from C-3 Highway Commercial to R-3 Multi-family Residential. The legal description of the property is Lots 5, 6 and 7, Second Addition to LeoRosa Addition to the City of Alliance and is presently owned by Ralph Hoxworth. The purpose of the rezone is to allow the Immanuel Lutheran Church to convert the existing Skateland roller skating rink building to a private school.

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The land is currently zoned C-3 Highway Commercial. The land is bordered to the north by R-3 Multi-family Residential Zoning, to the east by M-2 Heavy Industrial Zoning, to the south by Agriculture Zoning, and to the west by C-3 Highway Commercial Zoning. Private Schools are not a permitted use in the current C-3 zoning but are allowed in R-3. The smallest of the three lots is Lot 7 at 14,400 ft<sup>2</sup> which exceeds the minimum lot size for R-3. The rezone will not create any non-conforming lot sizes. The proposed rezone will increase the required front setbacks; however, will not create any nonconforming structures.

Six Notification Petitions were mailed on January 10, 2014 to property owners within a 300' radius of the subject property and the City received four responses with two in favor of the rezone, one disinterested and the fourth not indicating any position.

Staff asked the Planning Commission to recommend that the Alliance City Council rezone Lots 5, 6, and 7, Second Addition to LeoRosa Addition to the City of Alliance, from C-3 Highway Commercial to R-3 Multi-family Residential at its January 14, 2014 meeting. The Planning Commission voted in favor of the recommended rezoning.]

Mayor Feldges stated “now is the date, time, and place to conduct a Public Hearing to hear support, oppositions, criticism, suggestions, or observations of the taxpayers relating to the rezoning of Lots 5, 6, and 7, Second Addition to LeoRosa Addition. The Public Hearing was opened at 7:09 p.m.

Larry Ring, 114 W. 21<sup>st</sup> Street, Chairperson for Immanuel Lutheran Church Congregation was present to speak in favor of the rezone. He stated there is strong support within the community to establish a private school and is requesting that Council waive the three readings, due to their goal of opening in August 2014.

No further testimony was offered and the Public Hearing was closed at 7:12 p.m.

A motion was made by Councilman Lewis, seconded by Councilman Yeager to approve the first reading of Ordinance No. 2748. City Clerk Jines read the Ordinance by title which follows in its entirety:

#### ORDINANCE NO. 2748

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, AMENDING THE DISTRICT ZONING MAP TO SHOW THAT LOTS 5-7, SECOND ADDITION TO LEOROSA ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, IS NOW INCLUDED AS A R-3 (MULTI-FAMILY RESIDENTIAL) FROM A C-3 (HIGHWAY COMMERCIAL DISTRICT), AND REPEALING PRIOR SECTIONS.

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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:

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 4<sup>th</sup> day of February, 2014, 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.

A motion was made by Councilman Lewis, seconded by Councilman Benzel to waive the statutory rule requiring the reading of an ordinance be on three separate dates.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote on the final reading of Ordinance No. 2748 with the following results:

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

Voting Nay: None.

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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 matter before Council was a Public Hearing on the Preliminary Plat and Final Plat requests of Maverik, Inc. The following background information was provided to Council:

[The City of Alliance is in receipt of application for replat from Maverik Inc. of North Salt Lake, UT. The replat request includes five lots presently owned by Clifford Coleman, Miller Brothers Automotive, Inc. and Lynn Douglas Anderson. The request is to replat five lots into one for the purpose of developing a convenience store/gas station on the site. The lots are currently under contract for purchase by Maverik Inc. conditional on the approval of the Preliminary and Final Plats.

Three of the lots were previously platted as part of the Eagles Addition to the City of Alliance and the other two are nonplatted lands within the Corporate City Limits. The legal description is Lots 2 through 5, Eagles Addition to the City of Alliance, Part of the Southwest Quarter of the Northwest Quarter of Section 35, Township 25 North, Range 48, West of the 6<sup>th</sup> Principal Meridian, Parcel Number 405, and Part of the Southwest Quarter of the Northwest Quarter of Section 35, Township 25 North, Range 48, West of the 6<sup>th</sup> Principal Meridian, Parcel Number 390. The property to be platted is located north of Nebraska State Highway 2, east of U.S. Highway 385, west of 1520 West 3<sup>rd</sup> Street otherwise known as The Fraternal Order of Eagles, and south of a parcel of nonplatted land addressed 2435 Nebraska Highway 2.

The land is currently zoned C-3 Highway Commercial. The land is bordered to the north, east, and south by C-3 zoning and to the west by Agriculture zoning. The current zoning would not change. There were no issues identified in regard to land use, lot size, structures or setbacks. The plat will create a 10' utility easement around the perimeter of the property and leave the 20' utility easement currently platted in the Eagles Addition. Electric, water and sewer service are readily available and no new streets are included in the proposal. Sidewalk installation would be required as well as a drainage plan at the time the property is developed. A new water main would require an assessment fee of \$14.44 per front linear footage plus the tap fee based on service; however, the owner would be able to reuse one of the existing water services and avoid the fees. Details regarding the zoning and public works elements are included in the attached document that was provided to the Planning Commission.

The City mailed eight Notification Petitions and as of January 14, 2014 had received two of them back with both in favor of the approval of the replat.

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Staff has determined that the Preliminary and Final Plats meet the requirements of the City of Alliance Zoning and Subdivision regulations. The Planning Commission at its January 14, 2014 meeting voted to recommend to the City Council the approval of the Preliminary and Final Plat of Maverik Addition to the City of Alliance.]

Mayor Feldges stated “now is the date, time, and place to conduct a Public Hearing to hear support, oppositions, criticism, suggestions, or observations of the taxpayers relating to the Preliminary and Final Plats of Maverik, Inc. The Public Hearing opened at 7:16 p.m.

Todd Meyers, representative of Maverik, Inc., was present to speak on behalf of the new Maverik convenient store. Mr. Meyers described their store designs and the themed adventures which have been used in their other stores. The company has entered into purchase agreements with the property owners which are contingent upon the approval of the Plats. Their company is purchasing more land than is necessary for their current planned operations. Maverik, Inc. wants to become part of our community and will be a member of the Chamber of Commerce. Mr. Meyer was asked if their company would be providing truck fueling. Initially, that was not a market they were targeting; however, they have revisited their plans and due to having adequate space may incorporate this service. City Manager Cox asked Mr. Meyer if they would consider highlighting local attractions within the store such as Carhenge. Mr. Meyer stated that could be a possibility. Mr. Meyer also informed Council that they would be hiring a General Contractor for the project which would be responsible for selecting their own sub-contractors.

Mr. Meyers informed Council that he was initially seeking the waiver of the reading of the ordinance on three different dates; however, at this time he would like to proceed to the second reading.

No further testimony was offered and the Public Hearing was closed at 7:30 p.m.

A motion was made by Councilman Benzel, seconded by Councilman Seiler to approve the first reading of Ordinance No. 2749. City Clerk Jines read the Ordinance by title which follows in its entirety:

#### ORDINANCE NO. 2749

AN ORDINANCE APPROVING THE PRELIMINARY AND FINAL PLATS OF MAVERIK ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA.

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

SECTION 1. The City of Alliance has received the application for approval of the Preliminary Plat and Final Plat of Maverik Addition to the City of Alliance, Box Butte County, Nebraska from Maverik, Inc. of North Salt Lake, Utah.

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SECTION 2. The Planning Commission held a public hearing January 14, 2014, and has recommended the approval of the Preliminary Plat.

SECTION 3. The Planning Commission on January 14, 2014 also conducted a Public Hearing on the Final Plat of Maverik Addition to the City of Alliance, Box Butte County, Nebraska.

SECTION 4. The Preliminary Plat and the Final Plat of Maverik Addition to the City of Alliance, Box Butte County, Nebraska are hereby approved by the City of Alliance and shall be filed with the County Clerk as provided by City Code and State law within 30 days of this approval. The plat map which has been prepared is a part of these proceedings and is attached hereto and is incorporated herein and made a part hereof by reference.

SECTION 5. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote on the first reading of Ordinance No. 2749 with the following results:

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

Voting Nay: None.

Motion carried.

- A Public Hearing on Ordinance No. 2750 which will approve the rezoning application of the Brittan Building Partnership for property described as Lot 4, Block 15, Original Town to the City of Alliance, from C-2 Central Business District to C-3 Highway Commercial was the next issue before Council. Council was provided with the following background information:

[Charles Brittan (on behalf of Brittan Building Partnership) has applied for the rezoning of his office property located at 304 Niobrara Avenue (otherwise known as Lot 4, Block 15, Original Town) from C-2 Central Business District to C-3 Highway Commercial. The property is a 25' x 130' lot on the northwest corner of Nebraska Highway 2 (East Third Street) and Niobrara Avenue.

This rezone request is a follow-up item from the October 8, 2013 Planning Commission meeting where the Commissioners voted to recommend to the City Council the rezone of the Sturdevant's property thus creating a spot zoning of the Brittan property. The Planning Commission followed the Sturdevant recommendation with another asking the City to pursue a rezoning of the Charles Brittan property to eliminate the spot zoning should City Council pass the Sturdevant's rezoning request. The Sturdevant rezoning request received final approval at the December 5, 2013 Council meeting.

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The Brittan lot is currently zoned C-2 Central Business District and is bordered to the north and south by C-2 zoning and is bordered to the east and west by C-3 zoning. An office building is a permitted use in the proposed C-3 zoning. The building does not meet the current 15' setback requirements for C-2 or C-3 zoning as the building was built in 1961 to the zoning setback regulations in effect in the 1955 edition of the City of Alliance Municipal Code. Since its construction, the setback requirements have changed creating a nonconforming structure through no fault of the property owner. In the instance where over 90% of the building's assessed value is destroyed, it may not be rebuilt without meeting the setback requirements of its respective zoning district or without an approved variance for the current setbacks.

The City mailed forty-one Notification Petitions to property owners within a 300' radius of the subject property and as of January 10, 2014 had received nine of them back. Eight of the petitions were in favor of the rezone and one was disinterested.

Upon the suggestion of Staff, the Planning Commission recommended at its January 14, 2014 meeting that the City Council rezone Lot 4, Block 15, Original Town from C-2 Central Business District to C-3 Highway Commercial to eliminate the spot zoning of Lots 5-9, Original Town.]

Mayor Feldges stated "now is the date, time, and place to conduct a Public Hearing to hear support, oppositions, criticism, suggestions, or observations of the taxpayers relating to the Brittan rezoning request. The Public Hearing opened at 7:32 p.m.

No testimony was offered and the Public Hearing was closed at 7:33 p.m.

A motion was made by Councilman Benzel, seconded by Councilman Yeager to approve the first reading of Ordinance No. 2750. City Clerk Jines read the Ordinance by title which follows in its entirety:

#### ORDINANCE NO. 2750

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, AMENDING THE DISTRICT ZONING MAP TO SHOW THAT LOT 4, BLOCK 15, ORIGINAL TOWN TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, IS NOW INCLUDED AS A C-3 (HIGHWAY COMMERCIAL DISTRICT) FROM A C-2 (CENTRAL BUSINESS 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

(c) 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.

(d) 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 4<sup>th</sup> day of February, 2014, 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.

A motion was made by Councilman Lewis, seconded by Councilman Benzel to waive the statutory rule requiring the reading of an ordinance be on three separate dates.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote on the final reading of Ordinance No. 2750 with the following results:

Voting Aye: Lewis, Feldges, Benzel, 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.

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- Council next considered the first reading of Ordinance No. 2751 which will amend the Alliance Municipal Code to add a provision for a Senior Facility Advisory Board. Council was provided with the following background information:

[A meeting of those who volunteered for the Transition Task Force, as well as any other interested parties, was convened immediately after lunch on January 24 at the City's Senior Facility. Of the 25 task force members, 21 were present for the meeting. The purpose of the meeting and the forming of the Transition Task Force was to discuss the future operational management of the facility. In particular, the City was interested in hearing how the users of the facility felt would be the best way to manage the facility.

In preparation for the meeting Culture & Leisure Services Director Shana Brown and City Manager J. D. Cox had identified three previous suggestions that had been made and placed these options on a list. At the January 24th meeting the three options were discussed, as well as a fourth option that was added by meeting attendees. Following lengthy discussion, a call for a vote was made and the following outcome was recorded:

Establish Membership and Elect Board	3 Votes
City Council Appointed Advisory Board	0 Votes
Senior Services Inc Board	0 Votes

***Hybrid of #1 and #2: 18 Votes***

(City Council appointed Advisory Board and establish a Senior membership)

Attendees were of the consensus that another meeting of the Transition Task Force would not be necessary if the City Council were to approve the recommended management structure. Instead, if approved, the newly appointed Advisory Board (along with any other attendees and interested parties) would begin addressing all of the other matters as soon as they were seated.

On another related matter, our offer to SSI to continue with financial arrangements on a month-to-month arrangement has been declined by SSI. Therefore, on Friday, January 31, the City sent the SSI board of directors our acknowledgement of that refusal and have asked SSI to vacate the City's Senior Center effective midnight February 18 in conjunction with the terms of the City-SSI lease.

Staff is hopeful that Council would consider waiving the three readings so that the new Senior Facility Advisory Board ("S-FAB") can meet as soon as possible, perhaps even as early as the next day following the expiration of the SSI lease on February 18, 2014.

A recap of events as they have unfolded

2.19.14            *{Tentative} Senior Facility Advisory Board ("S-FAB") convenes for first time*

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- 2.18.14 *Lease expires; SSI vacates*  
 2.18.14 *{Tentative} City Council Meeting – Select Board Members (if three readings waived)*  
 2.4.14 *{Tentative} City Council Meeting – Establish Advisory Board*  
 1.31.14 Letter mailed to all SSI board members and director notifying of receipt of blank agreement constituting non-acceptance. City would gladly accept funds that were donated to repair/improve bldg; vacate by midnight 2.18  
 1.30.14 SSI returns unsigned letter agreement to City Manager  
 1.24.14 Transition Task Force Meeting:  
 Selected Council Appointed Advisory Board + Establish a Membership  
 1.20.14 Letter Agreement Month-to-Month Offer hand-delivered to SSI  
 1.7.14 User Input Meeting  
 12.16.13 Sent email to SSI Director rescinding permission to remodel building  
 11.5.13 Senior Center Large Meeting]

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve the first reading of Ordinance No. 2751. City Clerk Jines read the Ordinance by title which follows in its entirety:

#### ORDINANCE NO. 2751

AN ORDINANCE CREATING THE SENIOR FACILITY ADVISORY BOARD AND CODIFYING PROVISIONS FOR APPOINTMENT OF ITS MEMBERS.

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

SECTION 1. The City of Alliance owns and operates a senior center.

SECTION 2. The administration of the senior center would be assisted by the formation and implementation of an Advisory Board.

SECTION 3. The Alliance Municipal Code is hereby amended, adding the following provisions within Chapter 2:

#### DIVISION 6. SENIOR FACILITY ADVISORY BOARD

Sec. 2-330. Senior Facility Advisory Board.

The Senior Facility Advisory Board is hereby created. The Board shall consist of five members which shall be residents of the city.

Sec. 2-331. Appointments.

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The members of the Senior Facility Advisory Board shall be appointed by the City Council. Initially, two members shall serve three year terms, two members shall serve two year terms, and one member shall serve a one year term. Thereafter, after each member's initial term, all members shall serve three year terms. If a vacancy occurs, a new member shall be appointed by the City Council to serve out the unexpired term.

Sec. 2-332. Meetings.

At its first meeting, the Board shall select a Chairman who shall be responsible to run the meetings and execute any Board recommendations. The Board shall also elect a Vice Chairman who would serve in the absence of the Chairman. The members selected Chairman or Vice Chairman shall serve as Chairman or Vice Chairman until other action is taken by the Board to select another member as Chairman or Vice Chairman. City staff shall provide someone to take and transcribe minutes for each meeting

The Board shall meet no less frequently than quarterly. Any special meetings must be called by the Chairman or in the absence of the Chairman, the Vice Chairman.

Sec. 3-333. Powers.

The Board shall offer advice on the operation and maintenance of the Senior Citizen Center and its facilities. The Board shall have no power to make or enforce any policies of the senior center or the City of Alliance. The Board shall not have the power to make or enter into contracts, to manage property, to administer funding, or to directly provide services at the Senior Citizen Center. All action taken by the Board to plan, initiate, or operate services for the Senior Citizen Center shall be under the direction and approval of the City Council or the City Manager or his or her designee.

SECTION 4. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

SECTION 5. If any portion or provision of this ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such portion or provision shall not affect any of the remaining provisions of this ordinance, the intention being that the same be severable.

SECTION 6. Any ordinance or any part thereof in conflict with this ordinance is hereby repealed to the extent of such conflict.

A motion was made by Councilman Benzel, seconded by Councilman Lewis to waive the statutory rule requiring the reading of an ordinance be on three separate dates.

Roll call with the following results:

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

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Voting Nay: None.

Motion carried.

Roll call vote on the final reading of Ordinance No. 2751 with the following results:

Voting Aye: Lewis, Feldges, Benzel, 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 Resolution No. 14-10, authorizing the purchase of a Vactor 2100 Plus equipment and chassis. Council was provided with the following background information:

[The Sewer Department Vactor truck provides the essential function of keeping the City's sanitary sewer system clean. Approximately 235,000 feet of sewer pipes are proactively maintained annually thus eliminating expensive sewer plugs and backups into homes and businesses. Staff has been able to maintain the sewer system essentially free of blockages through the use of the Vactor truck with only five reported backups in the past three years that can be attributed to sewer main blockages. (This record compares to 20 to 30 backups per year that were common two decades ago.) The machinery is also used to clean and break up storm sewer blockages.

The proposed Vactor 2100 Plus equipment will be mounted on a 2015 Freightliner chassis. The Vactor system will be provided by Nebraska Environmental Products of Lincoln, NE with the chassis supplied by Floyd's Trucks of Scottsbluff, NE. Pricing is based on the government bid under the cooperative agreement with the State of Minnesota which was recently approved by Council. An excavation tool is included in the recommended purchase that will allow Staff to dig up water mains, sewer mains and other excavations in areas where other utilities services create an obstacle to backhoe operations. Use of the excavation attachment will prevent accidentally cutting phone cables, buried electric wires and gas pipes.

The current Vactor truck was purchased in 2001 at a total cost of \$214,399. Public Works Director Mike Hulquist was able to negotiate an increase in the trade allowance of the old unit from \$30,000 to the \$50,000 credit included in the current proposal. The net cost of the truck with trade allowance is \$301,396,

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which is \$23,604 under the approved capital budget of \$325,000. Delivery time is estimated at four to six months.

Budget authority is included in the Sewer Fund in Capital Outlay – Vehicles (GL #07-52-58-59-960). Designated cash reserves of just over \$400,000 are held in the Sewer Fund and will be released with no borrowings necessary for the purchase.]

A motion was made by Councilman Benzel, seconded by Councilman Seiler to approve Resolution No. 14-10, which follows in its entirety:

RESOLUTION NO. 14-10

*WHEREAS*, The City of Alliance Sewer Department had on their capital equipment for this fiscal year, the purchase of Vactor Truck; and

*WHEREAS*, Pricing for this equipment was obtained from the government bid under the Cooperative Agreement with the State of Minnesota; and

*WHEREAS*, The proposed Vactor 2100 Plus equipment will be mounted on a 2015 Freightliner chassis. The Vactor system will be provided by Nebraska Environmental Products of Lincoln, NE with the chassis supplied by Floyd's Trucks of Scottsbluff, NE; and

*WHEREAS*, The purchase includes an excavation tool and provides for a trade-in allowance of \$50,000.00 resulting in a final price of \$301,396.00; and

*WHEREAS*, Sufficient funds are available for the purchase as \$325,000.00 was budgeted.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the Mayor be and hereby is authorized to enter into a contract for the purchase of a Vactor 2100 Plus equipment mounted on a 2015 Freightliner chassis for the cost of Three Hundred and One Thousand Three Hundred Ninety-six and no/100ths Dollars (\$301,396.00) from Nebraska Environmental Products of Lincoln, NE.

*BE IT FURTHER RESOLVED*, that the purchase will be funded from Account No. 07-52-58-59-960.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 14-11 approving the use of \$5,700.00 of Street Contingency Funds and authorizing additional capital expenditure for the purchase of a Graco Ride-On Painting Striping

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machine was the next item before Council. Council was provided with the following background information:

[The ride-on line striper is used to paint center lines for long distances (i.e. Kansas, Cody, Emerson, Box Butte, 10<sup>th</sup> Street, 25<sup>th</sup> Street, etc.) The unit presently used by the Streets Department was purchased in 1980 and now has various mechanical problems, including inoperable brakes, making it unsafe and extremely unreliable.

Mike Hulquist, Public Works Director, has determined that a Graco ride-on system could be purchased and attached to the Street Department's new walk-behind line striper. Quotations were solicited from four vendors with a high cost of \$7,900 and low cost of \$5,685. The vendor selected is Contractors Materials, Inc. of Scottsbluff, NE at the low quoted price of \$5,685.

The attached resolution would authorize the transfer of \$5,700 from Contingency in the Street Fund (GL account 24-41-41-47-791) to Capital Outlay – Machinery (GL account 24-41-41-59-950) and increase the Streets capital budget to allow the purchase of the ride-on system for the line striper.]

A motion was made by Councilman Seiler, seconded by Councilman Benzel to approve Resolution No. 14-11, which follows in its entirety:

#### RESOLUTION NO. 14-11

*WHEREAS*, The City of Alliance Street Department needs to replace striping machine equipment for the painting of center lines as the present piece of equipment is unsafe and not reliable; and

*WHEREAS*, In order to fund this purchase, Council will need to approve the use of \$5,700.00 from the Street Contingency Fund and authorize the additional capital purchase; and

*WHEREAS*, This equipment will be funded utilizing \$5,700.00 from the Street Contingency Fund Account No. 24-41-41-47-791 which will be transferred to a Capital Account No. 24-41-41-59-950.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, authorizing the additional capital purchase of paint striping equipment to be funded utilizing \$5,700.00 from the Street Contingency Fund Account No. 24-41-41-47-791 which will be transferred to a Capital Account No. 24-41-41-59-950.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

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- The next item on the agenda was Resolution No. 14-12, awarding the Utility Office Remodeling Project to K.L. Wood & Company of Alliance, NE. Council was provided with the following background information:

[The City of Alliance is planning capital projects over a period of years to rehabilitate the municipal hall located on Laramie Avenue. The east entry steps were replaced during the 2012-13 fiscal year and at that time, the decision was made to remove the ADA ramp from the front of the building and establish the handicapped accessibility to the building through the Utility Customer Service office which was already scheduled for a “face lift”. The entry door to the Utility office was replaced in 2013 with an automated ADA door as an initial step in the remodel process.

The proposed remodel will include upgrade of internal paneled walls to drywall and ensure that all electrical wiring, switches and outlets are recessed. Drop ceiling will be replaced with new lighting and all flooring replaced. All passage ways will be increased to allow ADA access and a new ADA restroom included in the back work room.

Designs and bid packages were prepared by Jack Baker & Associates and invitations delivered to area contractors by mail and telephone in addition to the required published notices. Two bids were received and opened at 2 PM on January 21, 2014. Bidders were K.L. Wood & Company, Inc. (\$114,975) and Rusch’s General Contracting (\$138,011). The K.L. Wood & Company bid breaks down to a cost of \$100 per square foot which is considered within a reasonable range, especially given some unknown factors in leveling the floor in the work room and installing the new bathroom.

<b>BID ITEM DESCRIPTION</b>	<b>COST</b>
<b>Schedule A</b>	
Demolition Work	\$12,000
Remodeling Work	\$93,000
<b>Schedule B</b>	
Service Desk and Work Station Countertops	\$4,500
Sub Total Base Bid:	\$109,500
Five-Percent In-Field Change Order Authorization:	\$5,475
Total Base Bid with In-Field Change Order:	\$114,975

Total bid price of \$109,500 would be charged against the Capital Projects Fund (GL #41-41-46-59-970). A 5% change order allowance is included in the total resolution of \$114,975. A new drive-up window and office furnishings will be bid and purchased separately with \$15,000 included in a separate budget line in the Enterprise Fund (GL #55-21-23-59-970).]

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A motion was made by Councilman Yeager, seconded by Councilman Seiler to approve Resolution No. 14-12, which follows in its entirety:

RESOLUTION NO. 14-12

*WHEREAS*, The City of Alliance advertised for a Bid Proposal for the remodel of the Utility Office located within the Alliance Municipal Building; and

*WHEREAS*, Two responses to the Request for Proposals were received; and

*WHEREAS*, The bid of K.L. Wood and Company of Alliance, Nebraska appears to be the lowest, responsive, and responsible bid in the amount of One Hundred Nine Thousand Five Hundred and no/100ths Dollars (\$109,500.00); and

*WHEREAS*, Staff is requesting authority to make in the field change orders not to exceed five percent (5%) of the contract price, which may increase the project \$5,475.00 if utilized for a total project cost of \$114,975.00; and

*WHEREAS*, Sufficient funds are available for the purchase as \$125,000.00 was budgeted.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, the contract is hereby awarded to K.L. Wood and Company of Alliance, Nebraska in the amount of One Hundred Nine Thousand Five Hundred and no/100ths Dollars (\$109,500.00) from Account No. 41-41-46-59-970.

*BE IT FURTHER RESOLVED*, that the Mayor is authorized to sign the contract with K.L. Wood and Company of Alliance, Nebraska for the remodeling of the Utility Office within the Alliance Municipal Building as described in the bid.

*BE IT FURTHER RESOLVED*, that Assistant City Manager Randy Waggener shall have the authority to make in the field change orders not to exceed five percent (5%) of the contract price.

*BE IT FURTHER RESOLVED*, that City staff shall notify the successful bidder so that work can proceed according to the bid specifications.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

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- Resolution No. 14-13 was the next agenda item. This resolution will approve the use of Council Contingency Funds for the purchase of a 2014 Ford AWD Interceptor for the Alliance Police Department. Council was provided with the following information:

[The City of Alliance police cruiser (Unit #113) is a 2010 Ford Crown Victoria with over 126,000 miles. Approximately one month ago the cruiser would no longer shift into reverse and Cover-Jones estimated the transmission repair costs at \$3,700. The overall condition of the cruiser is poor and the repair costs would exceed the value of the vehicle.

Cover-Jones Motor Company located a 2014 Ford Interceptor in Wichita, Kansas, with a police package similar to the City's 2013 models. The quoted cost of the vehicle is \$24,543 (excluding delivery costs) which compares to the October 2013 State of Nebraska bid of \$26,096. The 2015 models will most likely be at a higher cost and recent delivery times have been four months. The quote from First Wireless for the console, partition, cage and lightbar totals \$6,452.

Two police vehicles were eliminated from the final 2013-14 approved capital budget with the authority being reserved in Council Contingency. The attached resolution would authorize the budget authority transfer of \$32,000 from Council Contingency in the General Fund (GL account 01-10-10-47-791) to Capital Outlay – Vehicles (GL account 01-31-32-59-970) thus increasing the capital budget to allow the purchase of the police cruiser. Actual cash funding in the amount of \$30,000 would be transferred from the Public Safety Fund as already included in the 2013-14 budget for the funding of contingencies.]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve Resolution No. 14-13, which follows in its entirety:

#### RESOLUTION NO. 14-13

*WHEREAS*, The City of Alliance Police Department has an immediate need to replace a 2010 Ford Crown Victoria police vehicle as the cost to repair the vehicle exceeds the value; and

*WHEREAS*, The Alliance City Council made an allowance in their Contingency Fund for the purchase of a police vehicle if the need would arise within this fiscal year; and

*WHEREAS*, The City of Alliance contacted the local vendor and the local vendor found a 2014 Ford AWD Interceptor in Wichita, KS, with a police package for Twenty-four Thousand Five Hundred Forty-three and No/100ths Dollars (\$24,543.00), which is below the 2013 State of Nebraska bid; and

*WHEREAS*, Staff is recommending that Cover-Jones Motor Company of Alliance, Nebraska is the lowest responsive, responsible bidder; and

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*WHEREAS*, The new patrol vehicle will need to have emergency lights, switches, video camera and prisoner partition installed: and

*WHEREAS*, FirstWireless, Inc., in Gering, Nebraska does all of the radio installation and maintenance for the Alliance Police Department and FirstWireless, Inc., has provided a quotation of Six Thousand Four Hundred Fifty-two and 10/100<sup>ths</sup> Dollars (\$6,452.00) for the purchase of necessary emergency equipment and installation of the necessary emergency equipment that is being purchased.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that City Manager J.D. Cox be and hereby is authorized to enter into a contract for the purchase of one 2014 Ford AWD Interceptor marked police vehicle from Cover-Jones Motor Company of Alliance, Nebraska in the amount of Twenty-four Thousand Five Hundred Forty-three and No/100ths Dollars (\$24,543.00).

*BE IT FURTHER RESOLVED*, that City Manager J.D. Cox is authorized to enter into a contract with FirstWireless, Inc., for the purchase and installation of the emergency equipment as set forth in their bid in the amount of Six Thousand Four Hundred Fifty-two and no/100<sup>ths</sup> Dollars (\$6,452.00).

*BE IT FURTHER RESOLVED*, that the City Council is authorizing the use of \$32,000.00 from their Contingency Fund Account No. 01-10-10-47-791 to be transferred to the Police Department's Capital Outlay – Vehicle Account No. 01-31-32-59-960 to allow for the purchase of a police vehicle and the associated emergency equipment.

Roll call vote with the following results:

Voting Aye: Lewis

Voting Nay: Feldges, Benzel, Seiler, Yeager.

Motion failed.

- The next item before Council was Resolution No. 14-14 authorizing a Production Cost Adjustment factor on electrical bills.

A motion was made by Councilman Benzel, seconded by Councilman Seiler to move this item to the City Council's February 18, 2014 meeting.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

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- Resolution No. 14-15 authorizing the use of \$180,000.00 from the Electric Contingency Fund to continue making substation improvements was the next item before Council. Council was provided with the following background information:

[There was \$260,000 remaining in the Capital Outlay - Substation budget at the end of last fiscal year. That budget authority was not carried forward into the 2013-2014 budget as it had been anticipated that all work would be completed prior to October 2013. The Electric Department is requesting budget authority to fund the remaining projects listed below in order to finish the upgrades to the substations. This will allow us to continue to increase system reliability and begin to concentrate on upgrading of equipment outside of the substations. As indicated by the chart below, \$44,880.90 of the work listed has already been completed. These expenses could be paid from this year's capital budget authority without the transfer; however, that would potentially make the budget short in several other capital areas with the busiest time of year yet ahead.

Vendor	Service Provided	Cost	Status
Telescada	SCADA Equipment	\$ 5,695.00	Done
H.K. Sholz	Instrumentation	\$ 23,440.00	Done
Besler Inc.	Broadwater Tap Changer	\$ 1,868.00	Done
Besler Inc.	Wiring Instruments and Doors	\$ 48,000.00	Pending
Besler Inc.	Install Reclosers	\$ 34,000.00	Pending
Peltz	Recloser Bases	\$ 10,000.00	Underway
Antioch Machine	Switchgear Doors	\$ 6,000.00	Underway
Olsson & Ass.	Last Payment IES	\$ 13,877.90	Done
NMC Cat	Cooling System	\$ 36,745.01	Pending
<b>Total Request</b>		<b>\$ 179,625.91</b>	

Electric Superintendent Larry Heinrich has planned the remaining work required on the substations in anticipation of approved funding with the desire to have upgrades completed prior to the beginning of the Load Control Season. If funding is not approved, the recloser replacement in Broadwater Substation (which has already started) will be finished and all other projects will be placed on hold until next budget cycle. Larry Heinrich will be present at the Council meeting to answer any questions regarding the request.

The proposed budget authority transfer would be from the Electric Contingency (GL #05-51-53-47-791) to Capital Outlay – Substation (GL #05-51-52-53-916). The Electric Contingency was budgeted at \$285,000 which anticipated \$175,000 for potential vehicle replacement, \$50,000 for transformer pads and \$60,000 for other contingencies.]

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 14-15, which follows in its entirety:

February 4, 2014

RESOLUTION NO. 14-15

*WHEREAS*, The City of Alliance Electric Department continues to make improvements to the electric utility with specific emphasis on substation improvements to increase system reliability; and

*WHEREAS*, In order to continue with substation improvements, Council will need to approve the use of \$180,000.00 from the Electric Contingency; and

*WHEREAS*, The completion of the substation upgrades will be funded utilizing \$180,000.00 from the Electric Contingency Fund Account No. 05-51-53-47-791 which will be transferred to a Capital Account No. 05-51-52-53-916.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, to authorize the transfer of \$180,000.00 from the Electric Contingency Fund Account No. 05-51-53-47-791 to a Capital Account No. 05-51-52-53-916.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was Resolution No. 14-16, authorizing City staff to proceed with implementing a paperless Council agenda system. Council was provided with the following background information:

[The City of Alliance Staff has been conducting research on paperless agenda software to aid in improving communication and productivity between Councilmembers and City Staff by implementing a centralized resource for the management of Council packets. After reviewing several options, staff believes that MyBoardPacket is the most practical, online board management system that will allow our organization to securely manage, organize, contribute and distribute Council meeting material. MyBoardPacket is also the software that Box Butte General Hospital Board of Directors utilize.

MyBoardPacket is accesible 24-7/365 and provides increase in productivity, participation and eduation while enhancing overall communication. Going paperless will not only reduce a large amount of waste in cost and time, but also in supplies.

Now you can sync your Council packets to your iPad, and read them anywhere, even if you don't have Internet access. The free MyBoardPacket iPad App allows you to annotate your copy of the meeting material, with typing notes, highlighting text and more.

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The resolution that has been prepared also acknowledges that the iPads being provided by the City are restricted to City use only. Should a Council Member desire to purchase their iPad to enable personal use they can be purchased for \$599.00.]

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 14-16, which follows in its entirety:

RESOLUTION NO. 14-16

*WHEREAS*, The City of Alliance has a desire to reduce the amount of paperwork in Council packets for Council meetings and to gain more efficiency for city staff; and;

*WHEREAS*, The intention is that Council will receive its Council packets by e-mail and use a tablet for display of those materials; and

*WHEREAS*, The City will purchase and provide to each member of Council a tablet and the software to download the necessary materials; and

*WHEREAS*, The cost of each tablet is \$599.00, total cost for five tablets is \$2,995.00; and

*WHEREAS*, Following the receipt of the tablets, Council will receive its packets by e-mail.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that Nebraska Revised Statutes 49-14,101.01(2) restricts the use of City property for public use and each Council Member agrees upon receipt of such tablets to restrict its use to City business and their signature on this resolution shall be considered an acknowledgement of such agreement.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Assistant City Manager presented the First Quarter Financial Report

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve the First Quarter Financial Report as presented.

Roll call vote with the following results:

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

Voting Nay: None.

February 4, 2014

Motion carried.

- Board vacancies were the final agenda item.

Councilman Seiler announced that the City of Alliance continues to have vacancies on the Economic Development Plan Citizens Advisory Board, Planning Commission and a homemaker representative on 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](http://www.cityofalliance.net).

- Mayor Feldges stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 9:03 p.m.”

(SEAL)

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Wally Seiler, Vice Mayor

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Linda Jines, City Clerk