

May 6, 2014

**ALLIANCE CITY COUNCIL**

REGULAR MEETING, TUESDAY, MAY 6, 2014

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

The Alliance City Council met in a Regular Meeting, May 6, 2014 at 7:00 p.m. in the Board of Education Meeting Room, 1604 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on April 29, 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 May 6, 2014 Regular Meeting of the Alliance, Nebraska City Council at 7:02 p.m. Present were Mayor Feldges, Council Members Seiler, Benzel, Yeager and Lewis. 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 was the recognition of Public Service Employees with three proclamations.

**PROCLAMATION**

WHEREAS; Americans are served every single day by public servants at the federal, state, county and city levels. These unsung heroes do the work that keeps our community functioning; and

WHEREAS; Public employees are hired to not only fill a job, but take oaths that they will do it the best they are able; and

WHEREAS; Many public servants, including police officers, firefighters and military personnel, risk their lives each day in service to the public and others commit countless hours to provide basic and leisure services to citizens improving their quality of life and the community; and

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WHEREAS; Public servants include police officers and firefighters . . .landfill operators and elected officials . . . librarians and safety inspectors . . . utility and street workers and countless other occupations. Day in and day out they provide the diverse services needed by the neighbors in this community with efficiency and integrity; and

WHEREAS; These public servants, at every level, provide continuity that would be impossible without them in a democracy and ensures that the quality of life in America, and the City of Alliance, is the best it can be. These public employees are the ones who, with the help and support of every neighbor, work every day to promote our community vision; “Building the Best Hometown in America.”

NOW, THEREFORE, the City Council of Alliance, Nebraska, does announce and proclaim to all citizens the week of May 4 – 10, 2014, as

#### Public Service Recognition Week

And encourages all citizens to recognize the accomplishments and contributions of government employees at all levels — city, county, state and federal and requests that you show your support by thanking them when you interact with them this week.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 6<sup>th</sup> day of May in the year of the Lord Two Thousand Fourteen.

#### PROCLAMATION

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Alliance Police Department; and

WHEREAS, nearly 60,000 assaults against law enforcement officers are reported each year, resulting in approximately 16,000 injuries; and

WHEREAS, since the first recorded death in 1791, almost 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

WHEREAS, 38 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 100 officers killed in 2013 and 186 officers killed in previous years; and

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WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 26<sup>th</sup> Annual Candlelight Vigil, on the evening of May 13, 2014; and

WHEREAS, the Candlelight Vigil is part of National Police Week, which takes place this year on May 11-17; and

WHEREAS, May 15<sup>th</sup> is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half staff; and

THEREFORE, BE IT RESOLVED that City of Alliance formally designates May 11-17, 2014, as

#### National Police Week

and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 6<sup>TH</sup> day of May in the year of the Lord Two Thousand Fourteen.

#### PROCLAMATION

*WHEREAS*, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

*WHEREAS*, The Office of the Municipal Clerk is the oldest among public servants; and

*WHEREAS*, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

*WHEREAS*, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

*WHEREAS*, The Municipal Clerk serves as the information center on functions of local government and community; and

*WHEREAS*, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

*WHEREAS*, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

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*NOW, THEREFORE*, BE IT RESOLVED that the City Council of the City of Alliance, Nebraska, does hereby proclaim the week of May 4<sup>th</sup> through May 10<sup>th</sup>, 2014, as

*Municipal Clerks Week*

and further extend appreciation to our Municipal Clerk, Linda S. Jines and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

*IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 6<sup>th</sup> day of May in the year of the Lord Two Thousand Fourteen.

- The Consent Calendar was the next item to be addressed by Council. Councilman Benzel made a motion, which was seconded by Councilman Lewis to approve the Consent Calendar as follows:

CONSENT CALENDAR – MAY 6, 2014

1. Approval: Minutes of the Regular Meeting, April 15, 2014.
2. Approval: Payroll and Employer Taxes for the period March 28, 2014 through April 11, 2014 inclusive: \$164,784.59 and \$11,636.75 respectively; and April 12, 2014 through April 25, 2014 inclusive: \$167,834.80 and \$11,827.31 respectively.
3. Approval: Claims against the following funds for the period April 10, 2014 through April 29, 2014: 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; \$1,017,070.85.
4. Approval: The issuance of the following Contractor licenses:

General Contractor	Travis Walker dba Walker Construction R & D Construction Company
Repair & Maintenance	David Hartline dba Morton Buildings, Inc. Timothy Dahlberg dba Dahlberg Carpentry Larry L.S. Bolinger dba Bolinger & Associates Jacob Beals dba JD Construction Heath Lawrence dba Lawrence Drywall LLC James M. Burk dba Gator Drywall, Roofing & Repairs Mark Musfelt dba Musfelt Construction Dale Jeske, Jr. dba Jeske Lawn Sprinklers Ryan Reynolds dba IX Design Builders
Master HVAC	Dana Daniels dba Advance Air

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Journeyman HVAC	Dennis Moore dba Jerry's Sheet Metal Heating & Cooling Inc.
Gas Fitter	Jason Tritle dba Tritle Plumbing, Inc. Leo Tritle dba Tritle Plumbing, Inc.
Master Plumber	Jon M. Aid dba J & M Plumbing Inc. Jason Tritle dba Tritle Plumbing, Inc. Leo Tritle dba Tritle Plumbing, Inc.
Journeyman Plumber Limited and Specialty	Allen Krentz dba Midwestern Mechanical, Inc. Monte Hankins dba Panhandle Gutter Dale Jeske, Jr. dba Jeske Lawn Sprinklers
Sign	Tom Cozad dba Creative Signs by Cozad

5. Approval: The issuance of a Cemetery Certificate to Fern H. Weinell for the South Half (S1/2) of the Southeast Quarter (SE1/4) of Lot Two (2), Section Five (5), Block Two (2), Original Plat to the Alliance Cemetery.
6. For Your Information: Attached is a listing of Demand Checks which were generated over the last financial quarter ending March 31, 2014. 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: Update the roster of the Alliance Volunteer Fire Department by adding Brandon Bingham and removing Daniel Perkins, Michael Rodriguez and Mike Towne.
8. Approval: Transfer from the Carhenge Fund, Capital Outlay – Other Improvements (01-79-80-59-970) in the amount of \$9,000.00 to an operating account – NRCNTSVC – Bldg. Public Works (01-79-80-44-483). This is being proposed as some of the improvements that are being done are maintenance related and not capital purchases.
9. Approval: The *Special Events Request/Use of Public Facilities Parks, Streets* for The Animal Center on Saturday, June 14, 2014 beginning at 10:00 a.m. The Animal Center will be conducting their annual "Doggie Dash," the event will start at the former Skateland parking lot, proceed east on Otoe Road to CR58, then north ½ mile to The Animal Center. Copies of the request and the Insurance Certificate have been made part of the Council's packet.
10. Approval: The *Special Events Request/Use of Public Facilities Parks, Streets* of the Alliance Chamber of Commerce for Heritage Days 2014 scheduled for July 15<sup>th</sup> through the 20<sup>th</sup>. This year's requests are similar to last year. The Chamber is requesting the closure of 2<sup>nd</sup> Street between Box Butte and Laramie Avenues for safety concerns for the YMCA sand volleyball tournament which is a new request for this year. Proof of liability insurance is required as part of the authorization. A listing of all of the requests are as follows:

Street use restriction, 4<sup>th</sup> Street from Laramie Avenue to Niobrara Avenue. Use restricted to emergency and postal vehicles from 5:00 p.m. Wednesday, July 16, 2014 through Saturday,

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July 19, 2014 at 12:00 midnight. Police escorts are required for postal trucks arriving between 8:30 p.m. and 9:00 p.m.

Use of City streets for 5k and 10k runs, along the routes shown on the attached map. No closures. Saturday, July 19, 2014.

Closure of involved streets for Heritage Days Annual Parade - 600 Block of Black Hills Avenue, south to Third Street, east to Mississippi - 9 a.m. July 19, 2014 until completion of parade. The City will be required to complete an Application for Special Event Permit with the Nebraska Department of Roads.

Closure of Box Butte Avenue and exclusive use of parking lot at 4<sup>th</sup> Street and Niobrara Avenue for Carnival and Vendor area. Box Butte Avenue 300, 400, and 500 Blocks, Lots 1, 2, 3, Block 15, Original Town (the parking lot at 4<sup>th</sup> Street and Niobrara Avenue.) Closure beginning 12:01 a.m. July 15, 2014 for all except the 300 Block of Box Butte, which will close at 3:00 p.m. on July 15, 2014. Closures extend to undetermined time on Sunday, July 20<sup>th</sup>.

Closure of the 200 Block of Box Butte Avenue. Closure from Wednesday, July 16, 2014 at noon until Saturday, July 19<sup>th</sup> at midnight.

Exclusive use of Blocks 1 and 4, Box Butte Addition, east of Snake Creek Trail between 10<sup>th</sup> and 12<sup>th</sup> Streets on Tuesday, July 15, 2014 between 3:00 p.m. and 9:00 p.m. for Heritage Days Family Night activities.

One-way traffic modifications:

- Niobrara Avenue: Use is restricted to north bound one-way traffic only between the hours of 3:00 p.m. and 9:00 p.m., on Tuesday, July 15, 2014, between 10<sup>th</sup> and 12<sup>th</sup> Streets.
- Sweetwater Avenue: Use is restricted to south bound one-way traffic only between the hours of 3:00 p.m. and 9:00 p.m., on Tuesday, July 15, 2014, between 10<sup>th</sup> and 14<sup>th</sup> Streets.
- 12<sup>th</sup> Street - Use is restricted to east bound one-way traffic only between the hours of 3:00 p.m. and 9:00 p.m., on Tuesday, July 15, 2014, between Niobrara and Sweetwater.

11. Approval: Resolution No. 14-47 which formally acknowledges that the City of Alliance will accept the duties required by the State of Nebraska to conduct the Heritage Days Parade on 3<sup>rd</sup> Street which is a designated State Highway. The event will take place on July 19, 2014 beginning at 9:45 a.m. to the conclusion of the parade which will be no later than 12:00 noon. This resolution meets the requirements of the Nebraska Legislature.
12. Approval: The *Special Events Request/Use of Public Facilities Parks, Streets* of the Route 385 Cruisers for their 14<sup>th</sup> Annual Car Show and Rod Run events on Friday, May 30<sup>th</sup>, Saturday, May 31<sup>st</sup> and Sunday, June 1<sup>st</sup>. The car show will be held in Central Park and the Club is requesting the street closure of Yellowstone Avenue between 9<sup>th</sup> and 10<sup>th</sup> Streets and 9<sup>th</sup> Street between Yellowstone and Niobrara Avenues for Saturday, May 31<sup>st</sup> only. A Certificate of Liability Insurance has been provided.

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13. Approval: The *Request for Reserved or Exclusive Use of City Parks* of the Alliance Jaycees to conduct the annual fireworks display. The Alliance Jaycees would like to once again provide a community fireworks display on Friday, July 4, 2014 at Laing Lake. The Jaycees will be applying for a Public Firework Display Permit from the Nebraska State Fire Marshal and authorized by Fire Chief Shoemaker. A Certificate of Insurance has been provided by Premier Pyrotechnics, Inc. naming the City of Alliance as an additional insured.
14. Approval: Resolution No. 14-48. The Alliance Jaycees are requesting a Special Designated Liquor License to hold a beer garden as part of the Heritage Days Celebration and will be serving beer. The location is proposed for the Ken and Dale's Restaurant parking lot at 123 East 3<sup>rd</sup> Street. The event will be held July 17-19, 2014. Securing the area will be accomplished with the use of cattle panels, wrist bands will be used for all adults, and no minors will be allowed within the area.
15. Approval: Resolution No. 14-49 authorizing the hiring of Cali Cox, the daughter of City Manager J.D. Cox as a Cashier at Big Blue Bay for the 2014 summer season.
16. Approval: Resolution No. 14-50 accepting a donation from the Alliance Old Timers for a new scoreboard at Sudman East Ballfield.
17. Approval: Resolution No. 14-51 accepting a donation from Connie Laing to provide a landscaped park project at the location of the former historic cottonwood tree by the Central Park Fountain in memory of her parents.
18. Approval: Resolution No 14-52 will accept a variety of donations which have been outlined in the Narrative for use at the Senior Center.
19. Approval: Resolution No. 14-53 will renew our current Janitorial Contracts with Service Maxx Cleaning and Restoration of Alliance, NE for the Alliance Municipal Airport, Learning Center, Knight Museum & Sandhills Center and Public Works Facility.
20. Approval: Resolution No. 14-54 authorizing the purchase of a 2014 Ford F-150 regular cab V6 4x4 XL in the amount of \$21,713.00 from Cover-Jones Motor Company of Alliance, NE.
21. Approval: Resolution No. 14-55 authorizing the City Manager to have the ability to sign contracts which are \$30,000 or less when funds have already been budgeted, the agreement is for less than one year, and no additional personnel or obligation is necessary to execute the contract. The \$30,000 amount specified in the resolution coincides with the bidding level requirement within §16-321 of the Nebraska Statutes.
22. Approval: Resolution No. 14-56 will accept a donation for library furnishings from the Friends of the Library and the Alliance Public Library Foundation.

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23. For Your Information: The City of Alliance has recently completed \$16,150 of concrete work in the parking lot of the Golf Course, of which we received two informal quotes. There was \$40,000 in the budget for this work. After the work was completed, it has been recommended it would be desirable for the City to do a little additional concrete work in the parking lot which will be approximately \$5,000.

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.

A motion was made by Councilman Benzel, seconded by Councilman Lewis to remove Line Item 21, Resolution No. 14-55 from the Consent Calendar.

Roll call vote with the following results:

Voting Aye: Yeager, Benzel, Lewis, Feldges.

Voting Nay: Seiler.

Motion carried.

A motion was made by Councilman Yeager, seconded by Councilman Benzel to remove the payment of City Manager J.D. Cox and Airport Manager Lynn Placek's passports from the claims report and address separately..

Roll call vote with the following results:

Voting Aye: Yeager, Benzel.

Voting Nay: Feldges, Lewis, Seiler.

Motion failed.

Roll call vote to approve the updated Consent Calendar with the following results.

Voting Aye: Feldges, Lewis, Seiler.

Voting Nay: Benzel, Yeager.

Motion carried.

- Council next proclaimed the week of May 4<sup>th</sup>-10<sup>th</sup>, 2014 as Drinking Water Week.

#### PROCLAMATION

WHEREAS, Water is our most valuable natural resource; and

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WHEREAS, Only tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and

WHEREAS, Any measure of a successful society – low mortality rates, economic growth and diversity, productivity, and public safety, is in some way related to access to safe water; and

WHEREAS, We are all stewards of the water infrastructure upon which future generations depend; and

WHEREAS, Each citizen of our community is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues.

NOW, THEREFORE, I Fred Feldges, Mayor of Alliance, do hereby proclaim May 4 through 10, 2014 as:

### DRINKING WATER WEEK

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 6<sup>th</sup> day of May in the year of the Lord Two Thousand Fourteen.

- City Manager J.D. Cox gave his City Manager's Report in outline form.
  1. Parks:
    - Vandalism – Problem in parks and in public restrooms
      - Ask for folks to help us keep on the look out
    - Pool – Start preliminary work; water hopefully next week
    - Beginning Prep for Memorial Day
    - Fountain – Shooting for approximately May 24 (the week before Memorial Day)
  2. Dumpster Report-60 new containers that we're rolling out
  3. Heartland Expressway – NDOR Report – Corridor Development & Mgmt Plan Draft
    - Public Comment Time
    - <http://www.transportation.nebraska.gov/projects/heartland-exp/index.htm>
  4. Production Cost Adjustment:
    - Current: \$0.00312 (Previously- \$0.01 first month, second month: 0.006)
    - Hopefully, if no unforeseen or adjustments by MEAN, anticipate staying approx \$0.003)
  5. Laing Lake – May 15<sup>th</sup>
    - Leak at Laing Lake needs to be repaired to reduce water expenses and maintain the condition of the park.

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- We have identified sources of funding to both repair the leak and improve the overall all condition of the park and surrounding grounds.
  - Presentation to Council if wish to act in order to submit necessary grant applications. Will need to allocate council contingency funds for project design and grant preparation.
  - Anticipate having cost estimates
  - Discuss a 1 year vs 2 year process
6. Toad's Demolition – KL Wood: May 12
7. Economic Development:
- RECON (mid-May): Meetings with Retailers
  - Housing:
    - Final Results are in;
    - Later in May, will meet with Hanna-Keelan proposing potential project ideas based upon results
8. Airport/Air Services
- Air Services
    - Teaming with Chadron to improve
    - Met with 6 Airlines / 5 Very Positive (except SkyWest)
    - Airlines met with
      - Cape Air
      - Air Choice One
      - Seaport
      - Boutique Air
      - Corporate Flight Management
    - All:
      - Very interested
      - TSA: Yes
      - Building up MCI
      - If ridership is up, then add more flights;
      - Low cost model to fill the flights!
    - Doing Everything possible to take care of Alliance and reaching out to other options: With that, upcoming meetings with airlines
      - Western Airports Conference (Tulsa) next week
      - Small Airports Council Conference late June (Edmonton)

Upcoming Meetings:

- May 15:
    - Two-mile zoning
    - Sale of lot at Meadowood
    - Phase 2 – personnel manual
- Council next Conducted a Public Hearing to discuss the Franchise Agreement between the City of Alliance and Charter Communications. The public hearing opened at 7:46 p.m.

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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 Franchise Agreement between the City of Alliance and Charter Communications.

Marvin Toedtli, 4729 Emerson Avenue was present to speak in regards to the Franchise Agreement between the City of Alliance and Charter Communications. He expressed his concerns about the poor quality and the excessive equipment problems.

Brent Kusek, Community Development Administrator for the City of Alliance spoke about the City’s equipment provided by Charter and the high need for updated equipment.

Council discussed the areas of concerns which had been addressed with them individually by citizens such as sound and picture problems on the government access channel, not all channels are available in HD, and the inability to telephone the local cable office.

No further testimony was offered. The public hearing closed at 8:21 p.m.

- A Public Hearing and the first reading of Ordinance No. 2755, which will approve the Preliminary and Final Plat of Maverik, Inc. was the next agenda item. Council was provided with the following information:

[The City of Alliance is in receipt of a new application to amend the Final Plat which was previously approved by the Alliance City Council on April 1, 2014. Initially, Maverik Inc. of North Sale Lake, UT replatted five lots into one and now is looking to change the request to replat five lots into two. Four of the five lots are owned by Maverik, Inc. with the fifth being owned by John Miller and Dan Miller.

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, 3 and 4, 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, and part of the Southeast Quarter of the Northeast Quarter of Section 34, 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, and part of the Southeast Quarter of the Northeast Quarter of Section 34, Township 25 North, Range 48, West of the 6<sup>th</sup> Principal Meridian, Parcel Number 390.

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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.

Public Works Director Hulquist declared there is a water main on the west and south sides of the proposed platted property that will require an assessment fee of \$14.44 per front linear footage plus the tap fee based upon service size. The property owner may reuse one of the existing water services to avoid the assessment fee. He also stated that the 8" sewer on the property is a private line and does not require a utility easement.

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 April 29, 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 approval of the Preliminary Plat and Final Plat of Maverick, Inc. and opened the public hearing at 8.23 p.m.

Todd Meyer, Salt Lake City, Utah, representative for Maverik, Inc. was in attendance to explain the necessity for the new Preliminary and Final Plats and requested the waiving of the three readings.

Hearing no further testimony, the Public Hearing closed at 8:28 p.m.

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve the first reading of Ordinance No. 2755 which City Clerk Jines read by title and follows in its entirety.

#### ORDINANCE NO. 2755

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:

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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.

SECTION 2. The Planning Commission held a public hearing April 29, 2014, and has recommended the approval of the Preliminary Plat.

SECTION 3. The Planning Commission on April 29, 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.

A motion was made by Councilman Lewis, seconded by Councilman Seiler to suspend the statutory rule requiring three separate readings of Ordinance No. 2755.

Roll call vote to waive the statutory reading with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2755 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Feldges stated, "the passage and adoption of Ordinance No. 2755 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- Conducted a Public Hearing and passed Resolution No. 14-57 which approves the Class B Liquor License Application of Western Cooperative Company dba KC's Shortstop, 2420 Box Butte Avenue. Council was provided with the following background information:

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[Western Cooperative Company has purchased KC's Short Stop, 2420 Box Butte Avenue, in Alliance. The City is now in receipt of a Class B liquor license application from the owners to sell beer off-site only. The full license application is included in the packet. No disqualifiers came from a background check conducted by the Alliance Police Department.

#### HEARING PROCESS -

1. Mayor or council member announces agenda item.
2. Mayor opens public hearing and asks clerk what exhibits she has.
3. Clerk identifies application, checklist for 53-132, Chief's report, Community Development report, and other documents she may have received.
4. Mayor asks for a motion that the exhibits be received into the record, second and vote.
5. Mayor asks for those who are going to give testimony to stand and be sworn.
6. Mayor says "do you swear or affirm to tell the truth so help you God".
7. Individuals respond.
8. Those individuals should include the applicant who must prove to the council's satisfaction the elements on the top part of the checklist. They will also include individuals who may speak either in favor or against the application and police chief who will hit the high points of his report.
9. Mayor calls on applicant to make a presentation.
10. While applicant is still at the podium, the Mayor will call on the City Attorney for any questions and to council and himself for questions.
11. Mayor asks for others who wish to speak in favor of the application and follows the same process for questions.
12. Mayor the calls upon those who wish to speak against and follows the same process for questions.
13. Mayor then calls on the police chief for his comments.
14. Mayor asks if there is any other testimony.
15. Mayor closes the public hearing and asks for comment from the City Attorney.
16. Mayor asks for comment from council and himself.
17. Mayor asks for a motion.
18. The motion is either to make a positive or negative recommendation on the application to the Liquor Control and to reference the elements on the top of the checklist and ask staff to prepare Resolution for the Mayor's signature. (done after the fact so as not to affect council neutrality).
19. After a second, Mayor calls for a vote.]

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 approval of the Class B Liquor License of Western Cooperative Company dba KC's Shortstop and opened the public hearing at 7:35 p.m.

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City Clerk Jines entered into the record the following exhibits:

- Exhibit 1 - Application of Western Cooperative Company dba KC's Short Stop, 2420 Box Butte Avenue
- Exhibit 2 - City Council checklist for Section 53-132 R.R.S. (1984).
- Exhibit 3 - Written statement of Police Chief dated April 29, 2014.

Mayor Feldges swore in those stating they were going to give testimony: David Briggs, Brent Fullmer, and Police Chief Kiss.

David Briggs, 256 Burnham Drive, Alliance, NE, representative from Westco, was present to speak on behalf of the Liquor License Approval and the changes underway at KC's Shortstop with Westco now as owner.

Brent Fullmer, 1630 Bel Air Avenue, Alliance, NE, prospective Liquor License Manager for the convenience store, was in attendance to speak on behalf of his experience with the position and answer any questions of the Council.

Chief John Kiss provided a report to Council, detailing his findings in the background check of Mr. Fullmer and expressed the positive outcome with the recommendation to approve the Class B Liquor License.

Hearing no further testimony, the Public Hearing closed at 8:39 p.m.

A motion was made by Councilman Seidler, seconded by Councilman Benzel to approve Resolution No. 14-57 which follows in its entirety:

#### RESOLUTION NO. 14-57

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

On May 6, 2014 the matter of the Class B Liquor License application of Western Cooperative Company dba KC's Short Stop, 2420 Box Butte Avenue, Alliance, NE, came on for consideration by the Council.

The following exhibits were offered and received:

- Exhibit 1 - Application of Western Cooperative Company dba KC's Short Stop, 2420 Box Butte Avenue
- Exhibit 2 - City Council checklist for Section 53-132 R.R.S. (1984).
- Exhibit 3 - Written statement of Police Chief dated April 29, 2014.

Witnesses were sworn and testimony was received in support of the Class B Liquor License at the public hearing on this date from David Briggs and Brent Fullmer. Police Chief Kiss testified on behalf of the City of Alliance.

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Upon consideration of the evidence and the criteria to be considered by the City Council pursuant to law, the City Council finds as follows:

Applicant complies with the provisions of Section 53-131.01 R.R.S. (2003).

Applicant has met its burden with regard to the checklist that is provided by Section 53-132 R.R.S. (1984) and demonstrates a willingness and ability to properly manage the liquor license held by Western Cooperative Company dba KC's Short Stop, in conformance to the rules and regulations of the Nebraska Liquor Control Act.

Based on the above findings, the City Council recommends to the Nebraska Liquor Control Commission that the Class B Liquor License Application of Western Cooperative Company dba KC's Short Stop at the premise described in the application be approved.

City Clerk shall transmit a copy of this Resolution to the Commission.

Roll call vote with the following results.

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

Voting Nay: None.

Motion carried.

- The next item for Council's review was Resolution No. 14-58 which will amend the City of Alliance Employee Personnel Manual. Council was provided with the following information:

[A Service Excellence OASIS (Operationally-Advanced Service Improvement Systems) Team consisting Kirby Bridge (team leader), Chris Dubs (assistant team leader), Joan Ryan (scribe), Joe Digmann and Anthony Kaiser met to review personnel policies beginning April 1, 2013. The Team started by surveying employees to collect input regarding the current personnel policies of the City. The group reviewed policies of other comparable cities and ultimately recommended five areas for consideration of management.

The five recommended changes to policy included:

- Earlier access to earned annual leave.
- Enhanced exchange of sick leave for annual leave.
- Payout of accumulated sick leave at retirement.
- Extended funeral leave.
- Veterans Day holiday for employed veterans

The suggestions were reviewed by management and forwarded to legal counsel for review. The resulting proposed changes are attached.]

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A motion was made by Councilman Yeager, seconded by Councilman Seiler to approve Resolution No. 14-58 which follows in its entirety:

RESOLUTION NO. 14-58

*WHEREAS*, The City of Alliance is revising certain Personnel Policies; and

*WHEREAS*, The proposed policy revisions have been suggested by an OASIS Team and prepared and reviewed by management and legal staff; and

*WHEREAS*, The following Policies are presented in their original form or with proposed revisions for Council to approve as Personnel Policies of the City of Alliance:

Probationary Period  
 Vacation Leave  
 Sick Leave  
 Funeral Leave

and,

*WHEREAS*, City Council has reviewed the proposed Policies and finds them appropriate for the needs of the Employees of the City of Alliance.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the City of Alliance Personnel Policies set forth herein, are hereby approved, and adopted effective May 9, 2014, as the Policy of the City of Alliance.

*BE IT FURTHER RESOLVED* that on behalf of the City Council and Management we extend our sincere appreciation to the members of the OASIS Team for their efforts in proposing new policies on behalf of City of Alliance employees.

Council discussed some concerns they had with the current carry-over policy of vacation hours and the conversion of awarding vacation hours from annually to monthly for employees with less than three years of service.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The final agenda item was Board Vacancies.

A motion by Councilman Seiler, seconded by Councilman Lewis to appoint Jane Faber to the Golf Advisory Board with a term to expire December 31, 2014.

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Roll call vote with the following results:

Voting Aye: Feldges, Benzel, Lewis, Seiler.

Voting Nay: None.

Motion carried.

Councilman Seiler announced that the City of Alliance continues to have vacancies on the Community Garden Advisory Board, one vacancy each on the Downtown Improvement Boards, two vacancies on the Economic Development Plan Citizen Advisory Board, one vacancy on the Golf Advisory Board and two vacancies on the Police Advisory Board, a school representative and a homemaker representative. 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 9:32 p.m."

(SEAL)



Fred Feldges, Mayor



Linda Jines, City Clerk