

August 5, 2014

**ALLIANCE CITY COUNCIL**

REGULAR MEETING, TUESDAY, AUGUST 5, 2014

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

The Alliance City Council met in a Regular Meeting, August 5, 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 July 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 August 5, 2014 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Feldges, Council Members, Benzel, Lewis and Yeager. Also present were City Manager Cox, Assistant City Manager Waggener, City Attorney Hoelsing and City Clerk Jines.

- Mayor Feldges read the Open Meetings Act Announcement.
- A motion was made by Councilman Benzel, seconded by Councilman Lewis to excuse Councilman Seiler from the meeting due to being out of town.

Roll call vote with the following results:

Voting Aye: Yeager, Benzel, Feldges, Lewis.

Voting Nay: None.

Motion carried.

- City Manager Cox introduced Garrett Hurtt, the City’s new Public Safety Dispatcher.

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

CONSENT CALENDAR – AUGUST 5, 2014

1. Approval: Minutes of the Regular Meeting, July 15, 2014, Special Meeting, July 21, 2014 and the Budget Workshop, July 21, 2014.
2. Approval: Payroll and Employer Taxes for the period July 5, 2014 through July 18, 2014 inclusive: \$190,225.95 and \$13,507.35 respectively.
3. Approval: Claims against the following funds for the period July 10, 2014 through July 31, 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; \$1,257,173.82.
4. Approval: Transfer from the Golf Course Fund, Capital Outlay – Other Improvements (21-71-75-59-970) in the amount of \$5,000.00 to an operating account – CNTSVC Other (21-71-75-44-479). This is being proposed to cover expenses for tree fungus treatment services at the Golf Course.
5. Approval: Resolution No. 14-87 will grant approval of the Alliance Housing Authority's request for the waiver of their payment in lieu of taxes (PILOT) for 2013. The City's legal counsel has reviewed this request which was originally before Council on February 18, 2014. Based upon that review the request must be made annually to the City Council for the full 10% waiver, should the Council decide not to waive, the Council would be responsible to see that the other taxing entities share was forwarded to them appropriately. Action on this request is for only the City's portion of the PILOT as the Housing Authority already went before the individual taxing entities requesting relief.
6. Approval: United Way is requesting the use of the Big Blue Bay immediately following closing on the last day to hold a "Doggie Splash." The event will be held at 6:00 p.m. on August 17, 2014 and will allow area dogs to swim. This will be a fundraiser for United Way and they will be requesting donations. No admission fees will be charged. United Way will be required to provide the appropriate Certificate of Insurance naming the City of Alliance an additional insured.
7. For Your Information: Attached is a listing of Demand Checks which were generated over the last financial quarter ending June 30, 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.
8. Approval: The issuance of a Cemetery Certificate to Marvin Schwartz for the East One-Half (E1/2) Lot Nineteen (19), Section Nine (9), Block Twenty (20), Third Addition to the Alliance Cemetery.

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9. Approval: Issuance of the following Contractor Licenses:  
 General Contractor Freddie Serda dba L/S Construction

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: Yeager, Benzel, Feldges, Lewis.

Voting Nay: None.

Motion carried.

- A Conflict Claim reimbursing Mayor Feldges for mileage to attend the Nebraska Municipal League Budget Workshop, with the total amount of reimbursement being \$403.20.

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve the conflict claim reimbursing Mayor Feldges.

Roll call vote with the following results:

Voting Aye: Yeager, Benzel, Lewis.

Abstain: Feldges.

Voting Nay: None.

Motion carried.

- City Manager J.D. Cox gave his City Manager's Report in outline form.

1. Production Cost Adjustment:

- March: \$0.01000
- April: \$0.00600
- May: \$0.00312
- June: \$0.00317
- July: \$0.00177
- Aug: \$0.00187

2. Electric Department

Thank the crew for all of their hard work

- Kroelle Ready Mix was energized and completed yesterday (Monday 8/4)
- 1<sup>st</sup> & Big Horn will be pulled this week
- Maverik will continue this week
- Tree branches on lines

- Street light replacements
  - Part repair and replacement
  - Normal electric utility service tickets
  - We ran load control
  - We generated for a while this past week
  - We repaired expeditiously minor outages due to fuses correctly blowing
  - All this without missing a beat.
3. Swimming Pool – Last day: Sunday, Aug 17 (early start of school; staffing issues)
  4. Landfill Cleanup
    - Reviewing Violations
    - Cleanup of tires
    - Mowing (making look decent)
    - Papers blowing up and down the road
    - Will have to buy pumps for monitoring wells testing
  5. Board of Health Meeting 8/12 - Scott Bolinger Appeal re: nuisance abatement on Central School
  6. EcoDevo
    - Housing efforts ongoing – study complete; working on plan
    - Retail Development ongoing – a number of contacts are being worked
  7. Demolition Projects:
    - Toad's: \$29,437+24,498.96 (Landfill)=\$53,935.96 (Completed 6/18/14 by KL Wood)
    - 105 Big Horn: \$46,259.30 + Landfill (Scheduled for Aug KL Wood)
    - 100 Big Horn: On Hold
  8. 10<sup>th</sup> Street Trail Project
    - Our RC (Mark Bohl) in process of contacting property owners re: right of way acquisition
    - Thank you to Scottsbluff for providing the services of their PW Director
  9. Building Permits
    - Tracking nicely -- already almost matched all of 2012 (2013 had very large projects)
  10. Upcoming Meetings:
    - August 19
      - Budget Hearing
      - Laing Lake & Cost Estimates Approval
      - City Manager probably will be unable to attend due to a medical procedure

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11. Upcoming Calendar:

- 8/12: Board of Health Meeting (10am Conference Room)
  - 8/19: Siemen's Warehouse Open House (10am-Welcome; 11am-Ribbon Cutting)
- A Public Hearing and the first reading of Ordinance No. 2756, which will approve the rezoning request of Dean and Lois Osborn, to rezone Lots 7 and 8, Block 4, Fairview Addition to the City of Alliance from R-1 (Single Family Residential) to R-3 (Multi-Family Residential) was the next agenda item. Council was provided with the following information:

[Dean and Lois Osborn are requesting the rezone of Lot 7 - 8, Block 4, Fairview Addition to the City of Alliance, addressed 403 and 407 Grand Avenue, from R-1 Single-Family Residential to R-3 Multi-Family Residential. The property is located on the northeast corner of the intersection of Fourth Street and Grand Avenue.

The property meets the minimum lot size requirements for R-3 Zoning. The setbacks would not change in a rezone from R-1 to R-3 and as such would not create any new nonconforming structures. The property is bordered by R-1 zoning to the east, west, south, and north. Off street, onsite parking will be provided for each family dwelling unit. The purpose of the rezone is to allow for the sale, renovation and rental the existing apartments on the property which have been vacant for more than one year. The land use of Multi-Family Residential would have been grandfathered in when the property was rezoned R-1 Single-Family Residential.

Nonconforming uses are allowed to continue until it is stopped for a period of one year or if 90% of the assessed value of the structure is destroyed. In such an occurrence, the property must be brought in to conformance with its current zoning. A rezone of the lot would allow the owner to resume the Multi-Family Residential land use on the lot. If the lot were not allowed to be rezoned, the existing apartments on the lot could not be utilized as Multi-Family Dwellings are not allowed in the R-1 zoning district.

Notification Petitions were sent to property owners within a 300' radius of the subject property. The City mailed 51 petitions and as of July 3rd, the City had received seven of them back. Three are in favor of the rezone, three were not in favor, and one was disinterested.

At the July 8, 2014 Planning Commission meeting, the Commissioners voted to recommend the approval of the rezone of Lot 7-8, Block 4, Fairview Addition to the City of Alliance, from R-1, Single-Family Residential, to R-3, Multi-Family Residential, and that City Staff inquire about a stop sign at the intersection of Fourth Street and Grand Avenue.]

Mayor Feldges stated "now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the

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rezoning request of Dean and Lois Osborn, to rezone Lots 7 and 8, Block 4, Fairview Addition to the City of Alliance from R-1 (Single Family Residential) to R-3 (Multi-Family Residential)” and opened the public hearing at 7:12 p.m.

TJ Peltz, 2817 Laramie Drive, representing Mike Peltz, the purchaser of the property and the owner of the property next door, was present to speak about wanting to re-establish the property as an apartment building. Mr. Peltz stated they were aware that in order to meet building code requirements alternations would be necessary.

Community Development Director Kusek addressed Council and informed them that the parking situation has been review and there is adequate space in the rear of the facility to provide the required parking spaces. In addition, traffic signage at the intersection has been discussed with the Police Chief Kiss and he will be making a recommendation to the City Manager.

Hearing no further testimony, the Public Hearing closed at 7:20 p.m.

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve the first reading of Ordinance No. 2756 which City Clerk Jines read by title and follows in its entirety.

#### ORDINANCE NO. 2756

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, AMENDING THE DISTRICT ZONING MAP TO SHOW THAT LOTS 7 AND 8, BLOCK 4, FAIRVIEW ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, IS NOW INCLUDED AS A R-3 (MULTI-FAMILY RESIDENTIAL) DISTRICT FROM A R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT, AND REPEALING PRIOR SECTIONS.

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

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

#### 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

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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 5<sup>th</sup> day of August, 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.

Roll call vote to approve the first reading of Ordinance No. 2756 with the following results:

Voting Aye: Feldges, Benzel, Lewis, Yeager.

Voting Nay: None.

Motion carried.

- A Public Hearing and the first reading of Ordinance No. 2757 which will authorize the rezoning request of the City of Alliance to rezone Carhenge from A (Agriculture) to R-R (Rural Residential) was the next agenda item. Council was provided with the following information:

[City staff has initiated the rezone for part of the South ½ of the South ½ of the West ½ of the West ½ of the Northwest ¼ of Section 18, Township 25N, Range 47 West of the 6th Principal Meridian, addressed 2151 County Road 59, otherwise known as Carhenge, from A-Agriculture to R-R Rural Residential. The property is located on the east side of County Road 59/Nebraska State Highway 87, approximately 2.5 miles north of the intersection of East 10<sup>th</sup> Street and Flack Avenue.

With the passing of Ordinance 2752, the City expanded its two mile Extraterritorial Jurisdiction bringing Carhenge into the City's Zoning Jurisdiction. Parks are not Permitted Uses within Agriculture zoning and as such, any expansion of Carhenge or any accessory structures on the property would not be allowed without a variance or a future rezone. City Staff recommends rezoning Carhenge to bring the zoning into alignment with the current land use to allow for any renovations or expansion that may be planned for the site in the future.

Nonconforming uses are not allowed to be expanded without a variance from the Board of Adjustment or without bringing the land use into conformance with its current zoning. The nonconforming use is allowed to continue until it is stopped for a period of one year or if 90% of the assessed value of the structure is

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destroyed. In such an occurrence, the property must be brought in to conformance with its zoning.

Notification Petitions were sent to property owners within a 300' radius of the subject property. The City mailed six petitions and as of July 3rd, the City had received only one response. The petition was not in favor of the rezone as they thought the City was rezoning their property. Staff reached out to the land owner and explained the situation at which time they indicated they were in favor of the rezone.

At the July 8, 2014 Planning Commission meeting, the Commissioners voted to recommend that the Alliance City Council approve the rezone of 2151 County Road 59 from A, Agriculture, to R-R, Rural Residential.]

Mayor Feldges stated “now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the rezoning request of the City of Alliance to rezone Carhenge from A (Agriculture) to R-R (Rural Residential)” and opened the public hearing at 7:22 p.m.

Brent Kusek, Community Development Director, was in attendance and informed Council that the rezoning request was being made to put Carhenge in compliance, as a park facility is an allowable use within a Rural Residential zoned area. This new zoning designation will not impact any of the surrounding privately owned property.

Hearing no further testimony, the Public Hearing closed at 7:25 p.m.

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve the first reading of Ordinance No. 2757 which City Clerk Jines read by title and follows in its entirety.

#### ORDINANCE NO. 2757

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, AMENDING THE DISTRICT ZONING MAP TO SHOW THAT THAT PART OF THE SOUTH HALF OF THE SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 25 NORTH, RANGE 47 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, BOX BUTTE COUNTY, NEBRASKA, IS NOW INCLUDED AS A RR (RURAL RESIDENTIAL) DISTRICT FROM AN A (AGRICULTURE) 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 5<sup>th</sup> day of August, 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.

Roll call vote to approve the first reading of Ordinance No. 2757 with the following results:

Voting Aye: Feldges, Benzel, Lewis, Yeager.

Voting Nay: None.

Motion carried.

● The next item for discussion was the first reading of Ordinance No. 2759, which will authorize the City to sale a strip of land in the vicinity of 12<sup>th</sup> Street and Flack Avenue to Karell Remodeling Services and Properties, Inc. Council was provided with the following background information:

[The City of Alliance has received a request for the sale of a .06 acre tract of land north of Lot 1, Block 1, Simonsons Addition to the City of Alliance. The proposed sale is to Karell Remodeling Services and Properties, Inc. (James Karell as principal) who owns the lot directly to the south and is currently building a storage shed on the property. A misunderstanding regarding the north property line location is prompting the sale of the strip as about 8 feet of the building is being constructed on City property. The builder mistakenly believed the north property line to have been the existing curb and gutter of the south line of 12<sup>th</sup>.

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Communication between the contractor and the City as well as a site plan submitted to the City reflected a 16'8" setback from the north property line.

There was originally an 83' X 1080' strip of non-deeded land between the north line of Simonson Addition and the south lines of Wheeler Addition and a lot owned by Peltz. The City filed a Quiet Title Action in 1985 taking possession of a roughly 50' X 1080' strip of that land. The City left 33' X 140' strips of land directly to the north of the very north lots of Simonson Addition. The Karell lot was excluded from this 33' as the City owned the lot at the time and had a well on it with a water main running north into 12<sup>th</sup> Street.

City Staff recommends that the City retain the north 66' of the 83' wide strip directly south of Wheelers Addition for future 12<sup>th</sup> Street dedication and sell the remaining strip detailed in the legal description within the ordinance to Karell Remodeling Services and Properties, Inc. for \$.38 per square foot totaling \$1,071.75 in order to prevent Mr. Karell from having to move the structure. The \$.38 per square foot is consistent with sale by the City of the adjacent lot to another individual.]

Larry Miller, 824½ Yellowstone Avenue, legal counsel representing Karell Remodeling Services, was present to speak on behalf of the sale of land and requested Council to waive the required three readings of the ordinance.

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve the first reading of Ordinance No. 2759 which City Clerk Jines read by title and follows in its entirety.

#### ORDINANCE NO. 2759

AN ORDINANCE PROVIDING FOR THE SALE AND CONVEYANCE OF A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, BOX BUTTE COUNTY, NEBRASKA, ACCORDING TO THE RECORDED PLAT THEREOF.

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

SECTION 1. The City of Alliance has received an offer from Karell Remodeling Services and Properties, Inc., to purchase the following described real estate:

A tract of land situated in the Southeast Quarter of Section 25, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska, more particularly described as follows:

Referring to the Southeast Corner of said Section 25; thence, on the East line of said Section, N 02°32'31" E for a distance of 664.64 feet; thence, at right angles, N 87°27'29" W to

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the Northeast Corner of Lot 1, Block 1, Simonson's Addition to the City of Alliance, being a distance of 33.00 feet, said point being the true Point of Beginning; thence, on the North Line of said Lot 1, N 89°31'36" W to the Northwest Corner of said Lot 1, being a distance of 169.50 feet; thence, on the true northerly extension of the West line of said Lot 1, N 01°00'09" E for a distance of 16.94 feet; thence, parallel and 66.00 feet distant to the South line of Block 1, Wheeler Addition to the City of Alliance, S 89°18'36" E to a Point of Intersection with the true and northerly extension of the East line of said Block 1, Simonson's Addition, being a distance of 169.93 feet; thence, on said northerly extension of the East line of said Block 1, Simonson's Addition, S 02°32'31" W for a distance of 16.31 feet to the true Point of Beginning, containing an area of 0.06 acres, more or less, in the amount of \$1,071.75.

SECTION 2. The real estate is not used in the operation of public utilities, and is not a state armory for the use of the State of Nebraska or the State Armory, as provided in §16-201 R.R.S. Neb. 1943.

SECTION 3. The City Clerk shall cause notice of this sale to be published as required by law. If, within the time prescribed by law, a legally sufficient remonstrance against the sale has not been filed, the Mayor and City Clerk are by this ordinance authorized to execute and deliver to the purchaser the City's quitclaim deed for the herein described property upon payment of the purchase price provided for herein and in the Agreement for Sale of Real Estate.

Remonstrance against such sale is defined as a petition signed by legal electors of Alliance, Nebraska, equal in number to thirty percent (30%) of the electors voting at the last regular municipal election. Said petition shall be filed with the governing body of the City within thirty days (30) of the passage and publication of this Ordinance. In the event a remonstrance is received which is legally sufficient, said property shall not then, nor within one year thereafter, be sold.

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

A motion was made by Councilman Benzel, seconded by Councilman Lewis to suspend the statutory rule requiring three separate readings of Ordinance No. 2759.

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

Voting Aye: Feldges, Benzel, Lewis, Yeager.

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2759 on final reading with the following results:

Voting Aye: Feldges, Benzel, Lewis, Yeager

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Voting Nay: None.

Motion carried.

Mayor Feldges stated, "the passage and adoption of Ordinance No. 2759 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The next item before Council was the first reading of Ordinance No. 2760, which will approve the 2014-2015 Proposed Budget.

Assistant City Manager/Finance Director Waggener reviewed the following Highlight Statement with Council regarding the Budget:

[City of Alliance  
Budget Highlights  
Fiscal Year 2014-15



Overall Assumptions and Comments

- Property Taxes. Property valuations were estimated to increase by 3.5% to \$404,239,242 and the property tax levy was raised slightly to \$0.389949 for the 2014-15 fiscal year projections. The resulting projected increase of \$89,000 results in total property taxes of \$1,487,100 which will partially fund general, fire, public safety and airport operating and sinking fund budgets. (See Tab 21)
- Local Option Taxes. Local option (city sales) taxes are projected at \$1,850,000. Total receipts are estimated to decrease \$100,000 from the prior levels due to the passage of LB96 which exempted from taxation equipment parts used in agricultural production. An approximate 3% economic growth was included. Reserves are no longer available to cover any possible shortfalls, so more conservative estimates are included and the budgeted transfer amount is approximately \$100,000 (or 2.5%) less than the 2013-14 budget. Of the total transfer, \$1,142,500 will become general funds, \$275,000 for street improvements, \$262,500 for capital projects and \$85,000 each for economic development and LB 840 projects.
- Enterprise Fees. Enterprise fees transferred to the general fund are increased to a 12% rate of budgeted enterprise fee revenue after decreasing to 11% last year. This source will provide \$1,933,000 toward the general fund operations which is a \$203,000 (or 12%) increase over the prior year. Amounts will be evaluated and possibly adjusted down toward the end of the fiscal the year based on general and enterprise fund results. (See Tab 16)
- Salaries and Benefits. Salaries are budgeted with a 1.5% cost-of-living adjustment (COLA) compared to the 1.7% included in the prior budget year. This adjustment is consistent with the Social Security COLA as well as the CPI for the most recent calendar year and represents an \$85,000 increase in salaries. Budgeted Health Care Fund transfers from City operating funds are increased by 50% (or \$416,000) in order to slow the reduction of excess reserves that have accumulated in the Fund. Budgeted workers compensation premiums include a 30% increase. Authorized strength is decreased by 4.88 FTE from the prior year following the combining of four management level Public Works positions into two and the down-sizing of the Finance Department along with the elimination of one vacant police officer and one vacant parks worker. Temporary summer staff funding was increased a net of \$5,500 or 3.8% with the elimination of two intern positions in the Electric Department that have not been utilized for several years and the addition of three summer workers in Streets, Water and Sewer. On-call payments are

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increased from \$10 per day to \$15 per day resulting in an increase of about \$6,000. Budgeted salaries net \$150,000 less than the 2013-14 fiscal year. (See Tabs 11 and 13)

- Capital Projects. Capital projects of almost \$11.7 million are included in the submitted plan with almost \$1.4 million either deferred or eliminated from the original request. The majority of the total consists of the airport runway rejuvenation project (\$7 million) and several major street projects totaling almost \$1.5 million. A total of \$370,000 is included for the Laing Lake project and \$170,000 for library structure repairs. Several of the larger projects are contingent upon approved funding proposals and actual scheduling of the improvements. Borrowing will most likely be required to partially fund the airport capital projects.

Enterprise capital projects account for just over \$1.7 million are included in the plan while the Electric Fund is focused on infrastructure improvements with over \$500,000 dedicated to urban and rural system rebuilds and \$350,000 included to begin the transition to automated metering. The Refuse Fund budget includes \$60,000 toward the ongoing replacement of aging trash receptacles. A bulldozer (\$185,000) is included for the landfill with water line upgrades carried forward for the golf course at \$145,000. (See Tab 7)

- Contingency "Reserves". Total contingency reserves were decreased to more traditional levels of \$396,000 compared to the 2013-14 fiscal year budget of \$1.125 million. All contingency reserves are detailed in Tab 20 of the budget packet.
- External Debt. External debt is scheduled to be decreased by a net of \$200,000 leaving an estimated balance of \$5.930 million by fiscal year-end. A revolving line of credit will be required for the airport runway project with an anticipated year-end balance around \$400,000. Only approximately \$107,000 remains for the fire truck loan. The remaining debt is related to utility enterprise funds with the largest debt of just over \$4 million in the water fund and just under \$1 million remaining in electric bonds. As a note, the highest recent external debt level was just over \$12 million at fiscal year-end 2008. (See Tab 8)
- Internal Debt. The general fund museum shelving loan was paid in-full in 2014. Payments on the swimming pool loan will be accelerated beginning with the 2014-15 year with payment in full by 2017. The previously planned \$575,000 loan from the Electric Fund to the Streets Department for the Streetscape was eliminated from the current budget in order to alleviate strain on the Electric Fund cash flow. (See Tab 8)
- Utility Rates. Electric rates are presently being reviewed by NMPP with minimal increases (1% to 2%) expected in April 2015. The Council will be requested to approve authority for a PCA to recoup any PEA and RITA adjustments assessed by MEAN. Refuse rates will change in accordance with the ordinance adopted in October 2013 which authorized a 1% increase in collection rates and an average of 5.9% increase in landfill rates. A proposal will be presented Council to adjust base water rates in addition to the 1% automatic increase in consumption rates. Rate increases for the sewer fund will be limited to the 1% annual allowance implemented by Council in 2012.
- Grants. The City could receive just over \$9.25 million in Federal and State funding and grants within the upcoming fiscal year. The majority (\$6.3 million) will be from Federal Aviation and Aeronautics for the runway project. Almost \$2.5 million of funding is committed toward the East Tenth and Meadowood Trail projects and the Historic Lighting as a portion of the Phase 2 of Streetscape. The other recent grant funding of up to \$340,000 will be provided by the Nebraska Department of Environmental Quality and Nebraska Environmental Trust for the Laing Lake renovation project. Funding from the Aging Office of Western Nebraska is a new addition for the Handyman Program. (See Tab 19)
- Special Funding Requests. Staff has recommended special funding in the amount of \$125,400. An increase to Keep Alliance Beautiful in the amount of \$6,000 is proposed with payment from the Refuse Fund. The \$10,000 incremental funding budgeted for Box Butte Development

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Corporation (BBDC) will be paid in support of specific business development needs. Requests by Box Butte County Public Transit (\$10,000); Panhandle Area Development District (\$6,600); and Panhandle Resource Conservation and Development (\$300) are not recommended for funding. (See Tab 24)

#### Miscellaneous Highlights

- Airport Fund. Emphasis over the past year has been toward maintaining commercial air service and the related Essential Air funding. The addition of a second full-time airport worker to address staffing and safety issues identified in FAA reviews was delayed with authorized strength still included in the new budget. The runway rejuvenation project is again carried forward from the prior year and is now estimated at \$7,000,000 (funded 90% by the FAA and 10% from the airport sinking fund and borrowings). The \$450,000 for an additional hangar is included again with actual funding contingent on acceptable cash flow and borrowing options. Funds are included for the resurfacing of a portion of the airport road in cooperation with the County and State; additional building repairs on the airport property and a bush hog mower to maintain area around the runways.
- Street Fund. The 20% City share of two Federal street projects (East Tenth and Meadowood Trail) is carried forward and now included at an estimated total of \$635,500 (a \$100,000 increase due to capping of Federal funding). In addition, the second phase of the Box Butte Avenue Streetscape (downtown revitalization) project is forwarded at a cost of \$850,000 including the historic street lighting which is 80% grant-funded. Funding for Streetscape is anticipated through vehicle sales tax and electric funds (a transfer of \$158,800). Asphalt and concrete maintenance budgets have been scaled back from the prior two years in anticipation of several larger projects within the next couple of years.
- Golf Course. General operating results of the golf course are relatively unchanged again in the 2014-15 budget with rates having been adjusted prior to the 2014 season. The funding for the golf pro was increased by 2% in accordance with the contract and the employee presently shared with the Airport will most likely become full-time at the golf course. Capital authority is included for a greens mower in the amount of \$42,000.
- Retired and Senior Volunteer Program (RSVP) and Handyman. Federal funding for the RSVP program continues to be restricted with the new three-year grant at the same level as the past three years. The acquisition of the Handyman program will allow allocation of personnel and operating expense to lessen the fundraising requirements and expand the services offered through the City for our seniors. The City also resumed management of the Senior Center building with the revenue and offsetting expenses included in the 2014-15 budget. The Friends of Box Butte RSVP (a 501(c)(3) corporation) will continue to assist with fundraising for both programs.
- Economic Development. Authority is included to pursue community development and housing funding up to \$150,000 in the CDBG Fund. Affordable housing is an identified need for the City of Alliance and this will help increase the pool of available quality homes. Sales tax revenue of \$85,000 will be added to the LB840 fund in addition to any loan repayments. An additional \$300,000 is allowed for potential projects. Three TIF projects will generate around \$200,000 in tax increment payments passed through the redevelopment fund in 2014-15.
- Capital Projects Fund. The capital projects fund will be funded by sales tax revenue in 2014-15 in the amount of \$262,500. These funds will provide budgeted repairs in the amount of \$170,000 for the library; \$40,000 for pool debt payment and \$30,000 for the City's matching portion of the Laing Lake renovation project. (See Tab 7)]

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A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve the first reading of Ordinance No. 2760 which City Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2760

AN ORDINANCE TERMED "THE ANNUAL APPROPRIATION BILL" TO PROVIDE REVENUE FOR MUNICIPAL PURPOSES OF THE CITY OF ALLIANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014, AND ENDING SEPTEMBER 30, 2015, BY IMPOSING A TAX ON ALL PROPERTY WITHIN THE CITY, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS.

WHEREAS, The City Manager, in accordance with the requirements of the Nebraska R.R.S. 1943, §19-646, has submitted to the City Council a preliminary budget. This preliminary budget being submitted to the City Council at a workshop which was held on July 21, 2014 and a proposed budget was produced. A public hearing will be held on said proposed budget on August 19, 2014, as required by law; and

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

SECTION 1. The budget for the fiscal year beginning October 1, 2014, submitted to and amended by the City Council, is hereby adopted.

SECTION 2. In order to provide revenue for municipal purposes, the following property tax revenues have been established for the City of Alliance:

|                             | City             | MFO            | Public Safety  | Airport        | Airport Reserves | Total            |
|-----------------------------|------------------|----------------|----------------|----------------|------------------|------------------|
| Approved Budget Amount      | 1,075,400        | 129,500        | 114,400        | 120,100        | 47,700           | 1,487,100        |
| County Treasurer's Fee (1%) | 10,754           | 1,295          | 1,144          | 1,201          | 477              | 14,871           |
| Delinquent Allowance (5%)   | 53,796           | 6,444          | 5,728          | 6,034          | 2,353            | 74,355           |
| Total Property Tax Request  | <u>1,139,950</u> | <u>137,239</u> | <u>121,272</u> | <u>127,335</u> | <u>50,530</u>    | <u>1,576,326</u> |
| Using the following levies  | 0.281999         | 0.033950       | 0.030000       | 0.031500       | 0.012500         | 0.389949         |
| Approved Mill Levy for 2015 | 0.389949         |                |                |                |                  |                  |
| Based on Assessed Valuation | 404,239,242      |                |                |                |                  |                  |

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SECTION 3. In accordance with Reissue Revised Statutes Nebraska Chapter 16, Section 704, the following amounts shall be and hereby are recognized as the budget for the City of Alliance, Nebraska for the fiscal year 2015.

|                                 |            |
|---------------------------------|------------|
| General                         | 6,816,000  |
| Electric                        | 14,420,700 |
| Refuse                          | 1,296,100  |
| Sewer                           | 446,300    |
| Water                           | 1,862,900  |
| Golf Course                     | 377,200    |
| Airport Operations              | 7,964,100  |
| Streets                         | 2,738,900  |
| Handyman Services               | 56,200     |
| RSVP                            | 80,300     |
| Museum Exhibit                  | 28,100     |
| BID #1 and #2                   | 16,100     |
| Nuisance Cleanup                | 6,600      |
| HUD/CDBG                        | 150,000    |
| Community Betterment (KENO)     | 38,200     |
| Economic Development            | 85,000     |
| LB 840 Fund                     | 303,500    |
| Redevelopment (TIF)             | 255,700    |
| Sales Tax Fund                  | 1,850,000  |
| Lodging Occupation Tax          | 203,700    |
| Capital Projects                | 580,000    |
| Public Safety Tax               | 90,000     |
| State 911 Funds                 | 50,000     |
| General Internal Service        | 1,229,200  |
| Enterprise Internal Service     | 572,300    |
| Health Support Internal Service | 1,811,100  |
| General Debt Service            | 43,600     |
| Airport Capital Reserve         | 525,000    |
| <i>Gross Expenditures</i>       | 43,896,800 |

There is hereby included \$161,000 within the General Fund Budget [City Council Activity], \$10,000 within the General Fund Budget [Police Grant] \$60,000 within the Electric Fund, \$50,000 within the Water Fund, \$25,000 within the Sewer Fund, \$15,000 within the Refuse Fund, \$5,000 within the Airport Fund, \$50,000 within the Streets Fund; and \$20,000 within the Community Betterment Fund; to be known as "Contingency." Expenditures from any Contingency will not be authorized without an affirmative vote of the City Council for each amount to be expended.

SECTION 4. The City has a total Unused Restricted Funds Authority of \$90,110.80 for Fiscal Year 2015.

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SECTION 5. The tax levied under this Ordinance shall become due and payable, shall become delinquent and shall be subject to penalties, the execution of distress warrants and sale of property levied upon as provided by law.

SECTION 6. The City Clerk is hereby authorized and directed forthwith upon the passage, approval and publication of this Ordinance to forward a certified copy thereof to the County Clerk of Box Butte County, Nebraska.

SECTION 7. This Ordinance shall become effective October 1, 2014.

Roll call vote to approve the first reading of Ordinance No. 2760 with the following results:

Voting Aye: Feldges, Benzel, Lewis, Yeager.

Voting Nay: None.

Motion carried.

- The next agenda item was the first reading of Ordinance No. 2761, which will authorize the City to exceed the Allowable Growth and Basic Allowable Growth for the 2014-2015 Fiscal Year Budget by 1%. Council was provided with the following background information:

[The attached ordinance will allow the City of Alliance (with a 75% affirmative vote by Council) to exceed the base allowable growth limitation of the restricted funds authority for the 2014-15 fiscal year budget by 1% (or \$59,216) with total restricted funds authority at \$6,128,837. This does not increase the new fiscal budget, but rather allows the City to increase the unused budget authority for use in future years.]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve the first reading of Ordinance No. 2761 which City Clerk Jines read by title and follows in its entirety.

#### ORDINANCE NO. 2761

AN ORDINANCE ALLOWING FOR EXCEEDING THE ALLOWABLE GROWTH AND BASIC ALLOWABLE GROWTH LIMITS FOR THE 2014-2015 FISCAL YEAR BY ONE PERCENT OF BUDGETED RESTRICTED FUNDS, AND CORRECTING THE ADOPTED BUDGET STATEMENT AND ACCOMPANYING FORMS.

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

SECTION 1. Governmental units are authorized pursuant to State law at Chapter 13, Section 519, to exceed the Allowable Growth (§13-518(1)) and the Basic Allowable Growth (§77-3446) for budgeted restricted funds authority up to an additional one percent, by affirmative

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vote of the City Council of at least 75%.

SECTION 2. The City Council finds that such limit as provided by Section 13-519 (a) and (b) should be exceeded by one percent.

SECTION 3. An affirmative vote of at least 75% in favor of this increase is hereby cast.

SECTION 4. Section 13-511 allows correction of an adopted budget statement for clerical, mathematical, and accounting errors, which correction does not affect the total amount budgeted by more than one percent or increase the amount required from property taxes. The one percent limit increase is calculated into the current budget statement; however the unused budget authority amount is in need of modification.

SECTION 5. The "total restricted funds authority" with the additional 1% is \$59,216 and the resulting "unused budget authority" in the adopted budget ordinance is hereby amended to the amount of \$6,128,837.

SECTION 6. Those portions of the existing budget ordinance for 2014-2015 are amended accordingly.

SECTION 7. The City Treasurer is authorized to make appropriate changes in the submitted forms for computation of the limit for fiscal year 2014-2015, and transmit those changes to the State Auditor's office.

SECTION 8. 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 Benzel, seconded by Councilman Lewis to suspend the statutory rule requiring three separate readings of Ordinance No. 2761

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

Voting Aye: Feldges, Benzel, Lewis.

Voting Nay: Yeager.

Motion failed.

Roll call vote to approve the first reading of Ordinance No. 2761 with the following results:

Voting Aye: Feldges, Benzel, Lewis, Yeager.

Voting Nay: None.

Motion carried.

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- Resolution No. 14-88, approving the street closure request of Nebraska Kids TRUTH, Inc. for a Color Run, was the next item reviewed. Council was provided with the following information:

[Mr. David Vrbas of Nebraska Kids TRUTH, Inc. has requested permission to conduct a Color Run within the City of Alliance as a fundraiser for his organization. Mr. Vrbas plans this event for Sunday, August 31, 2014 beginning at 7:30 a.m. Mr. Vrbas has been very agreeable to alter his planned route to improve the safety of the participants and to lessen the impact on City services. A copy of the new route as jointly recommended by City staff and Mr. Vrbas is included in the Council packet.

The route will require the closure of 14th Street between Box Butte and Sweetwater Avenues, 12th Street between Niobrara and Sweetwater Avenues, and the parking lane on the east side of Box Butte Avenue between 14th and 18th Streets. The Alliance Police Department will provide traffic control at the intersection of 18<sup>th</sup> Street and Box Butte Avenue and at the crosswalk location on 10<sup>th</sup> Street between Niobrara and Sweetwater Avenues. All other traffic crossings will be monitored with volunteers of Nebraska Kids TRUTH, Inc. The City will also be providing safety vests for these volunteers. The Street Department will be providing barricades and cones for the street closures

Color packets will be thrown at the participants of this event at four different locations on the route. These locations have been approved by staff and Nebraska Kids TRUTH, Inc. will be responsible with the initial clean up at these sites, with City staff doing a final scrubbing on the following Tuesday.]

A motion was made by Councilman Yeager, seconded by Councilman Lewis to approve Resolution No. 14-88 which follows in its entirety:

#### RESOLUTION NO. 14-88

*WHEREAS*, Mr. David Vrbas of Nebraska Kids TRUTH, Inc. would like to conduct a Color Run event on Sunday, August 31, 2014 beginning at 7:30 a.m. and estimating a three-hour time period; and

*WHEREAS*, Nebraska Kids TRUTH, Inc. has requested street closures to facilitate their Color Run; and

*WHEREAS*, Nebraska Kids TRUTH, Inc. will be providing safety volunteers to assist with traffic control at each street crossing throughout the Color Run route; and

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*WHEREAS*, City staff has considered the request for the closure of 14<sup>th</sup> Street between Box Butte and Sweetwater Avenues, 12<sup>th</sup> Street between Niobrara and Sweetwater Avenues, and the parking lane on the east side of Box Butte Avenue between 14<sup>th</sup> and 18<sup>th</sup> Streets.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the request of Nebraska Kids TRUTH, Inc. for the closure of 14<sup>th</sup> Street between Box Butte and Sweetwater Avenues, 12<sup>th</sup> Street between Niobrara and Sweetwater Avenues, and the parking lane on the east side of Box Butte Avenue between 14<sup>th</sup> and 18<sup>th</sup> Streets on Sunday, August 31, 2014 beginning at 7:30 a.m. extending for an estimated three-hour time period is hereby approved.

Roll call vote with the following results:

Voting Aye: Feldges, Benzel, Lewis, Yeager.

Voting Nay: None.

Motion carried.

- The next item before Council was Resolution No. 14-89 which approves the proposal of M.C. Schaff & Associates to complete a study that will evaluate joining the Alliance Municipal Airport to the City's water system. Council was provided with the following information:

[M.C. Schaff & Associates submitted a proposal to complete a study that will evaluate tying the Alliance Municipal Airport to the City of Alliance's water system. This study will also evaluate incorporating existing businesses, residents and/or the golf course and cemetery into the City's system.

The adequacy of water supply at the airport is a current concern and a limitation on further development. The current supply is at capacity and if the airport adds any more activities or businesses that require water, the water pressure delivered to the current places of business would be jeopardized. Water supply for fire suppression at the airport is also inadequate. The airport purchased a larger ARFF truck due to the lack of water and when the fire station was built for the truck, it necessitate that a tank be buried for the sprinkler system required for that building. If there were a fire situation in the airport area, the fire department and/or the SEAT base operations would be required to shuttle water from several miles away.

The cost to the City for this study will be \$29,937 with adequate spending authority included in the Professional Engineering Services general ledger (22-41-43-43-331). These funds were budgeted in the current fiscal year in response to airport committee suggestions, public forum feedback and Council and department manager retreat.

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Further study and enhancement of water supplies at the airport are a must in order to remain viable and safe. This is the first step for the City of Alliance in moving towards that goal.]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve Resolution No. 14-89 which follows in its entirety:

RESOLUTION NO. 14-89

*WHEREAS*, The City of Alliance is responsible for maintaining the water system at the Airport and within the City; and

*WHEREAS*, The adequacy of water supply at the airport is a current concern and a limitation on further development as it is at capacity and any new activity or business would decrease water pressure to the existing users; and

*WHEREAS*, M.C. Schaff & Associates has submitted a proposal to complete a study that will evaluate tying the Alliance Municipal Airport to the City of Alliance's water system and will include incorporating existing businesses, residents and/or golf course and cemetery; and

*WHEREAS*, The cost of the study will be \$29,937 and adequate funding has been budgeted within the Airport's Professional Engineering Services account; and

*WHEREAS*, The City Council believes it is in the best interest of the City of Alliance to have a Water Study completed.

*NOW, THEREFORE, BE IT RESOLVED*, By the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to execute the Agreement between the City of Alliance and M.C. Schaff & Associates for the completion of a Water Study which will be paid from Account No. 22-41-43-43-331.

Council believes a study has been completed in the recent past that would provide the information staff needs to proceed. Staff will research the matter further and then re-address Council with the additional information.

Motion was withdrawn.

- Resolution No. 14-90 expressing the City's support to Keep Alliance Beautiful with their recycling efforts by examining opportunities to provide space at the landfill to accommodate recycling activities and storage was the next discussion item. Council was provided with the following background information:

[Keep Alliance Beautiful (KAB), an affiliate of Keep America Beautiful, was organized in 1982 with formal incorporation in 1985. The City of Alliance contracted with KAB early in its existence for nuisance abatement services for the annual payment of \$5,000 from the General Fund. During the 2011-12 fiscal year, the City began to change their focus with the City assuming all nuisance abatement activities and support of KAB from the Refuse Fund in the annual

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amount of \$24,000 for recycling efforts. The justification for such support included recycling education and programs for citizens as well as collection and transportation of recyclable materials.

KAB is dedicated to ongoing recycling education and programs; however, they have encountered some growing pains. The primary challenge is in regard to adequate storage space for collected recyclable items to allow accumulation of the sufficient volumes for full truckloads to ensure better marketing. KAB has approached the City requesting consideration of providing space at the landfill for collection and storage efforts. There is potential for grant funding for construction of recycling warehouses and prospects for approval are better for facilities placed on City-owned land. All recycling efforts extend the life of the City's landfill and move the City closer to a "zero-waste" status.

The attached resolution indicates the City's support of KAB and recycling efforts in general. The action will allow KAB and the City to examine opportunities to provide space at the landfill specifically to accommodate recycling activities and storage and provide KAB with a supporting document to assist in seeking grant funding for operations and potential building construction. It also reiterates the City's commitment to recycling education and collection and financial support, as feasible.]

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 14-90 which follows in its entirety:

RESOLUTION NO. 14-90

*WHEREAS*, The City of Alliance operates the Alliance Municipal Landfill; and

*WHEREAS*, Keep Alliance Beautiful provides the City of Alliance recycling services which meets the City's requirement for local waste reduction and recycling programs with the Nebraska Department of Environmental Quality; and

*WHEREAS*, The City desires to support Keep Alliance Beautiful with their recycling services and would like to cooperatively examine opportunities to provide space at the landfill to accommodate recycling activities and storage; and

*WHEREAS*, The City Council believes it is in the best interest of the City of Alliance to work with Keep Alliance Beautiful to enhance recycling efforts in Alliance.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that staff is authorized to cooperatively examine opportunities to provide space at the landfill to accommodate recycling activities and storage.

*BE IT FURTHER RESOLVED* that the Alliance City Council reiterates our commitment to recycling education and collection and our financial support of Keep Alliance Beautiful, as feasible.

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Roll call vote with the following results:

Voting Aye: Feldges, Benzel, Lewis, Yeager.

Voting Nay: None.

Motion carried.

- The next agenda item was Resolution No. 14-91, authorizing the use of Council Contingency Funds for the purchase of an unmarked police vehicle. Council was provided with the following background information:

[The Police Department's current administrative vehicle is a 2004 Ford Taurus with 93,000 miles. This is a basic vehicle that was purchased as a used unit off the lot before new electronics were available. Now that the vehicle is equipped with lights, siren and a laptop computer, the electric system is unable to handle the load needed to operate the equipment.

The vehicle continues to have electronic issues where the battery is constantly drained and all attempts by the manufacturer to address the problem have been unsuccessful. This vehicle has a 110 amp alternator which is one of the smallest and it will not accommodate a larger one. The police package vehicle has a 210 amp alternator in order to handle all of the new equipment required.

Cover-Jones Motor Company located a 2014 Ford Interceptor in Wichita, Kansas that includes a police package. The quoted cost of this vehicle is \$25,563 includes delivery charge and is based on the 2014 State bid values. The car that was located in February was priced at \$24,543 with the delivery charge not included. The City purchased two 2013 cruisers at \$23,968 each. The new 2015 models will more than likely cost more. The only additional cost will be the transfer of the present equipment to the new car.

The attached resolution would authorize the budget authority transfer of \$25,600 from Council Contingency in the General Fund (GL account 01-10-10-47-791) to Capital Outlay- Vehicles (GL account 01-31-32-59-960) thus increasing the capital budget to allow the purchase of the police administrative vehicle.]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve Resolution No. 14-91 which follows in its entirety:

#### RESOLUTION NO. 14-91

*WHEREAS*, The City of Alliance Police Department has an immediate need to replace a 2004 Ford Taurus police vehicle as the cost to repair the vehicle exceeds the value; and

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*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 Interceptor AWD in Wichita, KS, with a police package for Twenty-five Thousand Five Hundred Sixty-three and No/100ths Dollars (\$25,563.00), which is below the State of Nebraska bid; and

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

*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-five Thousand Five Hundred Sixty-three and No/100ths Dollars (\$25,563.00).

*BE IT FURTHER RESOLVED*, that the City Council is authorizing the use of \$25,563.00 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.

Lieutenant Ken Hart was in attendance and discussed with Council the current issues they are having with their administrative police vehicle and the need for it to be replaced.

Roll call vote with the following results:

Voting Aye: Feldges, Benzal, Lewis, Yeager.

Voting Nay: None.

Motion carried.

- The next matter before Council was a general discussion regarding churches as being a permitted use in commercially zoned areas. In May, 2012 the Alliance City Council amended the Municipal Code to allow for churches as a permitted use in commercially zoned areas C-0, C-1, C-2 and C-3, to include churches, places of worship and religious assemblies. Since that action, it has come to light that this may not be in the best interest of commercial businesses and the Council may want to have the Planning Commission revisit this matter for future consideration of the City Council.

City Attorney Hoelsing informed Council that the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), 42 U.S.C. § 2000cc *et seq.* provides several protections for religious organizations, regarding zoning and land use regulation. One of those protections is that a government may not pass a land use regulation which treats a religious assembly or association differently than nonreligious assemblies or associations. Thus, if Alliance is interested in excluding churches from commercial zones, it would also need to

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exclude associations like YMCA, Elk's Club, community volunteer associations, etc. from commercial zones. That would be the only way to treat the two equally.

By consensus, the Council stated they are not interested in taking that step, since it views the nonreligious associations as being important and worthwhile in the commercial zones.

No additional action was taken on this matter.

- The next agenda item was the Third Quarter Financial Report.

Assistant City Manager Randy Waggener was present to provide Council with the City's Third Quarter Financial Report ending July 30, 2014.

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

Roll call with the following results:

Voting Aye: Yeager, Benzel, Lewis, Feldges.

Voting Nay: None.

Motion carried.

- The final agenda item was a Board resignation and appointments.

A motion was made by Councilman Benzel, seconded by Councilman Lewis to accept the resignation of Tom Shaal from the Alliance Library Board and to thank his for his service.

Roll call with the following results:

Voting Aye: Yeager, Benzel, Lewis, Feldges.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Benzel, seconded by Councilman Lewis to appoint Tom Price to the Alliance Library Board with a term to expire June 30, 2018.

Roll call with the following results:

Voting Aye: Yeager, Benzel, Lewis, Feldges.

Voting Nay: None.

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Motion carried.

A motion was made by Councilman Benzel, seconded by Councilman Lewis to appoint Aimee Otto to the Alliance Library Board with a term to expire June 30, 2016.

Roll call with the following results:

Voting Aye: Yeager, Benzel, Lewis, Feldges.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Benzel, seconded by Councilman Lewis to appoint Marci Moran to the Police/Citizen Advisory Board as the Homemaker Representative, with a term to expire December 31, 2015.

Roll call with the following results:

Voting Aye: Yeager, Benzel, Lewis, Feldges.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Benzel, seconded by Councilman Lewis to re-appoint Serena Bremer to the Economic Development Plan Application Review Committee for a new term to expire June 30, 2017.

Roll call with the following results:

Voting Aye: Yeager, Benzel, Lewis, Feldges.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Benzel, seconded by Councilman Lewis to re-appoint Marlene Mischnick to the Museum Board for a new term to expire May 31, 2017.

Roll call with the following results:

Voting Aye: Yeager, Benzel, Lewis, Feldges.

Voting Nay: None.

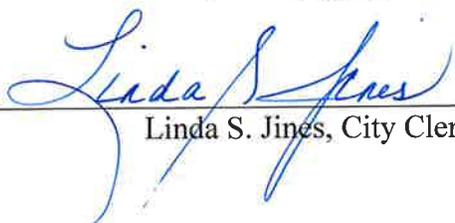
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Motion carried.

- Prior to adjourning Mayor Feldges corrected a statement which was reported in the newspaper which stated the City Council was a road block with the recently completed Housing Study. Mayor Feldges stated this was not an accurate statement and that in fact the Council was very supportive of the Housing Study. Councilman Lewis made an inquiry regarding the metal storage containers which are becoming more prevalent throughout the community with regard to zoning requirements.
- Mayor Feldges stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 9:33 p.m."

(SEAL)

  
Fred Feldges, Mayor

  
Linda S. Jines, City Clerk

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