

November 17, 2015

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, NOVEMBER 17, 2015

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

The Alliance City Council met in a Regular Meeting, November 17, 2015 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 November 10, 2015. 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 Yeager opened the November 17, 2015 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Yeager, Council Members Feldges, Jones, Seiler and Korber-Gonzalez. Also present were City Manager Cox, City Attorney Hoelsing and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
- Council's first order of business was the Consent Calendar.

Councilman Korber-Gonzalez made a motion, which was seconded by Councilman Seiler to approve the Consent Calendar as follows:

CONSENT CALENDAR – NOVEMBER 17, 2015

1. Approval: Minutes of the Regular Meeting, November 3, 2015.
2. Approval: Payroll and Employer Taxes for the period October 24, 2015 through November 6, 2015 inclusive: \$179,623.77 and \$12,618.71 respectively.
3. Approval: Claims against all funds of the City of Alliance for the period October 27, 2015 through November 10, 2015 in the amount of \$382,008.40.

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4. Approval: The issuance of the following a Cemetery Certificate to Phylliss Briggs for the North Half of the Northeast Quarter (N1/2 NE1/4) of Lot Fifteen (15), Section Two (2), Block Seventeen (17), Second Addition to the Alliance Cemetery.
5. Approval: The *Special Events Request for Use of Public Facilities, Parks, Streets* of the Alliance Chamber of Commerce to conduct their annual Christmas Parade. The parade will be held on Tuesday, December 1, 2015. Lineup will be in the 800 and 900 blocks of Box Butte Avenue at 5:00 p.m. The parade will begin at 5:30 p.m. and proceed south on Box Butte Avenue and turning east on 4th Street. Santa will proceed to the 3rd Street Mini Park to the Santa House.
6. Approval: To submit our annual Tree City USA 2015 Application for Certificate. The City of Alliance has met the requirements to make the submittal.
7. Approval: Resolution No. 15-110 appointing the Alliance Electric Superintendent (Ed Tvrs) as Alliance's Representative and the Alliance Finance Director (Randy Waggener) as the Alternate on the MEAN Boards.
8. Approval: Resolution No. 15-115 appointing the Alliance Finance Director (Randy Waggener) as Alliance's Representative and the Alliance Electric Superintendent (Ed Tvrs) as the Alternate on the ACE Board.
9. Approval: Resolution No. 15-116 removing policies which are no longer pertinent and/or necessary from the Alliance Police Department Policies. Most of the policies being removed are now either covered by the new Alliance Police Officer's Association Fraternal Order of Police Lodge 51 Contract or the Alliance Employee Personnel Manual.

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: Feldges, Korber-Gonzalez, Jones, Yeager.

Voting Nay: None.

Motion carried.

- City Manager Cox gave the City Manager's Report which follows in outline form:
 1. Tennis Courts
 - Cracking is occurring
 - Background work underway
 2. Illegal parking around schools: blocking alleys and driveways
 3. Report on KNEB about request for dispatching
 - Chief and I discussed options; wasn't a formal request

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4. Utility Office – Hours of Operation changed to 8:00 a.m. to 5:00 p.m. due to short staff
5. 10th Street
 - Last time: Reported Bids came in high (\$2.3 M – City portion \$705 over budget)
 - Working with NDOR on options: if project could be split (Trail vs Street)
 - Requested an extension from contractor
6. WAPA/Tri State Meeting re: reliability
 - Previous “Alternate” line not feasible
 - Exploring other options to improve reliability
 - Meet again early 2016
7. Landfill
 - Activity with NDEQ ... groundwater monitoring
 - Baler repairs continuing
 - Fire Chief granted permission for burning of trees and pallets
8. Airlines
 - Results from first four months
 - Weekday: 6:20 am, 4:00 pm out and 10:30 pm return are heavily used
 - Saturday: 10:50 am – Lightly traveled; 1:50 pm – almost no passengers
 - Sunday: 3:20 pm – Lightly traveled; 6:20 pm – almost no passengers
 - Boutique researching weekend early out; late return

• The next discussion item was the first reading of Ordinance No. 2791, which will amend the Classification and Compensation Plans of the City of Alliance. Council was provided with the following background information:

[The new contract between the City of Alliance and the Fraternal Order of Police Lodge 51 was approved at the September 30, 2015 Council meeting. The attached ordinance incorporates the classification and compensation changes included within that contract as follows:

- Combines the former “Police Officer I” and “Police Officer II” into a single “Police Officer” classification.
- Eliminates the “Public Safety Senior Dispatcher” position in the classification plan.
- Exchanges the old police and dispatch salary grids (300 and 400) for the new combined salary bargaining unit wage grid, which will be effective for the four year term of the Contract.]

A motion was made by Councilman Korber-Gonzalez, seconded by Councilman Jones to approve the first reading of Ordinance No. 2791 which City Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2791

AN ORDINANCE ADOPTING REVISED CLASSIFICATION AND COMPENSATION PLANS FOR THE CITY OF ALLIANCE, NEBRASKA.

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WHEREAS, Section 16-310 of R.R.S. 1943 authorizes the Mayor and Council to establish the compensation for employees and officers by stating that "The officers and employees in cities of the first class shall receive such compensation as the mayor and council shall fix by ordinance;" and,

WHEREAS, The Alliance City Council adopted the Fiscal Year 2015-2016 Budget which included funds for a revised Classification Plan.

WHEREAS, The City Manager is requesting that positions be modified within the Classification Plan of the City of Alliance to coincide with the new Contract with the Fraternal Order of Police Lodge 51 which was approved September 30, 2015.

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

SECTION 1. That the Classification Schedule for the City of Alliance dated effective October 10, 2015 is hereby amended with the removal of the following job titles:

Job Title

Police Officer II

Public Safety Senior Dispatcher

SECTION 2. The Compensation Schedule will be modified with the removal of the Police Grid (300s) and the Police Communications Grid (400s). The new Bargaining Unit Wage Grid will be incorporated as follows:

Position	Grade	Step								
		1	2	3	4	5	6	7	8	9
Police Officer	1	18.38	19.13	19.92	20.73	21.58	22.47	23.39	24.34	25.34
Police Sergeant	2	20.93	21.88	22.87	23.91	25.00	26.13	27.32	28.56	29.86
Public Safety Dispatcher	3	14.24	14.73	15.24	15.76	16.31	16.87	17.45	18.05	18.67
Public Safety Dispatch Supervisor	4	15.90	16.49	17.09	17.72	18.38	19.05	19.76	20.48	21.24

SECTION 3. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

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A motion was made by Councilman Feldges, seconded by Councilman Seiler to suspend the statutory rule requiring three separate readings of Ordinance No. 2791.

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

Voting Aye: Feldges, Yeager, Jones, Korber-Gonzalez, Seiler.

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2791 on final reading with the following results:

Voting Aye: Feldges, Yeager, Jones, Korber-Gonzalez, Seiler.

Voting Nay: None.

Motion carried.

Mayor Yeager stated, “the passage and adoption of Ordinance No. 2791 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- The next agenda item was the second reading of Ordinance No. 2790, which will create a Community Redevelopment Agency. Council was provided with the following information:

[On June 6, 2015, Council held a discussion concerning the possible formation of a Community Redevelopment Agency (CRA). Since that time, City, BBDC, and legal staff have had several meetings and discussions to vet out the process and proposal.

The documents included in your packet contain a detailed explanation and discussion of the proposed 5-member CRA that will include the three following as ex-officio members of the CRA: the City Finance Director (as treasurer), the City Manager (as secretary) and the BBDC Director (as administrator). The packet includes the following:

- CRA Implementation Plan
- Nebraska Planning Handbook – Creating a CRA
- CRA Attorney Comments Power Point
- CRA Q&A’s
- Nebraska State Community Development Law §18-2101 through §18-2154.
- Implementation by Other Cities

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The second page of this document is the narrative provided for the June 2, 2015 Council discussion.]

A motion was made by Councilman Yeager, seconded by Councilman Seiler to approve the second reading of Ordinance No. 2790 which City Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2790

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE ALLIANCE MUNICIPAL CODE TO PROVIDE FOR A COMMUNITY REDEVELOPMENT AUTHORITY AND REPEALING A PRIOR SECTION.

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

SECTION 1. Chapter 2, Article VI of the Alliance Municipal Code is amended to add the following new Division:

DIVISION 6
COMMUNITY REDEVELOPMENT AUTHORITY

Sec. 2-340. COMMUNITY REDEVELOPMENT AUTHORITY; CREATION.

The Community Redevelopment Authority of the City of Alliance, Nebraska is created, pursuant to the provisions of Neb. Rev. Stat. §18-2102.01.

Sec. 2-341. MEMBERS.

The Authority shall be made up of five persons. The initial Members of the Authority shall be appointed by the Mayor with the approval of the City Council. The terms of office of the initial Members shall be for one year, two years, three years, four years, and five years, as designated by the Mayor. As the terms of the initial Members expire, the City Manager shall appoint or reappoint the Members with the approval of the City Council for five year terms, unless a vacancy is being filled, in which case the appointment shall be for the remainder of the term of the Member being replaced. There shall be no limit on the number of terms for which a Member can be reappointed. Three Members shall constitute a quorum for the transaction of business.

Sec. 2-342. OFFICERS.

The Authority shall organize by electing one of the Members as Chairperson of the Authority, and another of its Members as Vice Chairperson.

Sec. 2-343. RULES AND RECORDS.

The Authority shall adopt rules for the transaction of its business and shall keep a record of its resolutions, transactions, findings and determinations, which records shall be made available for public inspection during regular business hours. No member of the Authority shall have any interest directly or indirectly in any contract for property, materials, or services to be required by the Authority.

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Sec. 2-344. DIRECTOR.

The City Manager, or his designated representative shall serve as the Director, and Ex Officio Secretary of the Authority. The Director shall perform such duties as may be assigned by the Authority, including the necessary administrative functions described in the statutes under which the Authority has been created.

Sec. 2-345. FUNDS.

If budgeted by the City Council, the Authority may levy a tax in an amount not to exceed the levy permitted by state law. All income, revenue, profits and other funds received by the Authority shall be deposited with the City Treasurer as Ex Officio Treasurer of the Authority without commingling such money with any other money under his or her control and disbursed by him or her by check or draft only upon warrants, orders or requisitions by the Chairperson of the Authority or other person authorized by the Authority, which shall state distinctly the purpose for which the same are drawn. A permanent record shall be kept by the Authority of all warrants, orders or requisitions so drawn, showing the date, amount, consideration and to whom payable.

Sec. 2-346. COMMUNITY DEVELOPMENT LAW.

The Authority shall be vested with all the powers, duties and responsibilities provided for in the Community Development Law, Neb. Rev. Stat. §§ 18-2101, et seq.

SECTION 2. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with the revisions set forth in this Ordinance are 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 on the second reading of Ordinance No. 2790 with the following results:

Voting Aye: Feldges, Yeager, Jones, Seiler, Korber-Gonzalez.

Voting Nay: None.

Motion carried.

- The next item before Council was Resolution No. 15-112, which will recommend approval to the Nebraska Liquor Control Commission for the the Manager's Application of Tory Reding for Safeway of Western Nebraska, Inc. Council was provided with the following information:

[The City of Alliance is in receipt of the Manager Application of Tory W. Reding for Safeway of Western Nebraska, Inc., 500 East 3rd Street, Alliance, Nebraska. Mr. Reding has completed the Responsible Beverage Service Training in Nebraska and Police Chief John Kiss completed a background check on Mr. Reding.]

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A motion was made by Councilman Seiler, seconded by Councilman Korber-Gonzalez to approve Resolution No. 15-112 which follows in its entirety:

RESOLUTION NO. 15-112

WHEREAS, The City of Alliance has received a notice and copy of a Manager Application for Safeway of Western Nebraska, Inc., 500 East 3rd Street, Alliance, Nebraska submitted by Tory W. Reding; and

WHEREAS, City staff has reviewed the application.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that the Manager's Application of Tory W. Reding for Safeway of Western Nebraska, Inc., 500 East 3rd Street, Alliance, Nebraska is hereby recommended for approval to the Nebraska Liquor Control Commission.

BE IT FURTHER RESOLVED, that the City Clerk shall notify the Nebraska Liquor Control Commission of this Council decision.

Mr. Tim O'Neill, the attorney representing Safeway addressed Council and provided background information on Mr. Reding. He stated that Mr. Reding serves as the Manager for the Safeway stores in Sidney, Chadron, Scottsbluff and Ogallala.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Jones, Feldges, Seiler

Voting Nay: None.

Motion carried.

- Resolution No. 15-114 which will approve the new lease with Vitalix, Inc. was the next item before Council. The following background information was provided was Council's review:

[The proposed lease agreement represents the culmination of months of work leading up to mutually-agreeable terms. The 30-year lease agreement increases the rental rates for the previously leased areas by an amount comparable to the Consumer Price Index (CPI) over the last ten years. The old lease rate was \$22,620 and the adjusted rate for the original land is \$28,000. Additional land of 87,743.9 square feet is included at a rate of \$.08 per square foot with \$7,000 added to the lease amount. This agreement also represents the final step in advance of the issuance of an occupancy permit for Vitalix's new warehouse building. The new leased area incorporates the new warehouse that is positioned

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between the white warehouse and the grey warehouse to the southwest and being constructed over a current roadway that leads to other airport warehouses.

The City of Alliance only considered the Vitalix request since most tenants use other roads to enter the warehouse area and the construction did not obstruct any utilities; however, we also recognized this as an opportunity to update the lease agreement. The proposed agreement addresses issues both parties have expressed in the past under the terms of the old lease. The new lease now includes:

- A process has been added for both parties to follow for future improvements including construction.
- A method for periodically increasing the lease rate with prior notice and a method for both parties to terminate lease if desired was added.
- This lease agreement also includes newly surveyed land descriptions of all areas leased to decrease confusion on land included in the agreement.
- The majority of changes were re-writes to add clarification to the lease.

A motion was made by Councilman Feldges, seconded by Councilman Korber-Gonzalez to approve Resolution No. 15-114 which follows in its entirety:

RESOLUTION NO. 15-114

WHEREAS, The City of Alliance operates a municipal airport east of Alliance; and

WHEREAS, Several commercial ventures exist on the Airport property, which for commercial purposes lease real estate and improvements; and

WHEREAS, Vitalix, Inc. currently leases property at the Airport for manufacturing livestock feed and supplements and has requested the redrafting of their lease to accommodate an expansion project; and

WHEREAS, City staff has prepared a revised lease which incorporates the additional area and provides for new terms and conditions.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the lease prepared by staff and proposed for adoption by the City Council, which has been approved by Vitalix, Inc., is hereby approved, and the Mayor is hereby authorized to execute on the City's behalf.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Seiler, Jones, Feldges.

Voting Nay: None.

Motion carried.

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- Council next discussed Resolution Nos. 15-101 and 15-117. Resolution No. 15-101 will accept the grant valued at \$125,000 from the U.S. Department of Justice for the COPS Hiring Program. Resolution No. 15-117 authorizes the Mayor to execute the Interlocal Agreement with Alliance Public Schools detailing the services and responsibilities and funding of a School Resource Officer. Council was provided with the following information:

[On September 21, 2015, the City received notification from the Department of Justice that the Federal grant for \$125,000 (see funding detail below) to place a School Resource Officer into the Alliance Public School District was approved. This position would be added to the current authorized strength and is included in the City's approved staffing plan and budget. As part of the grant requirements, an interlocal agreement with Alliance Public Schools is required by. Submitted for Council's consideration is both an interlocal agreement with the schools as well as a resolution to formally accept the grant.

Background

The Alliance Police Department and the Alliance School District were previously in a partnership (interlocal agreement) sharing a School Resource Officer (SRO) for twenty years until the end of the 2012-13 school year. Last year the Box Butte County Sheriff's Office received a partial grant toward the costs of an SRO for the 2014-15 school year, but has since discontinued that service.

At its June 2, 2015 meeting, the Alliance City Council authorized submission of a grant application from the U.S. Department of Justice which would reimburse up to 75% of salaries and benefits of an additional SRO with a maximum of \$125,000. The City would be required to employ the SRO for at least one additional year which would be funded by the City and other funding partners. Supporting partners were contacted regarding the program with the following funding anticipated for the four years beginning with the 2015-16 budget year:

Federal	\$125,000
Family Focus Coalition/Other	\$ 52,000
City	\$ 40,000
Alliance Public Schools	<u>\$ 80,000</u>
Total	\$297,000

Mr. Dan Meinert has indicated that the Family Focus Coalition has committed funding for the School Resource Officer with current year grant money already in an account. A contingency plan is built into the plan in case the level of funding would change.

Additionally, the City Manager and Police Chief met last week with school administration and a school board member to discuss the actual application of the SRO program and to craft the proposed agreement so that it reflects anticipated practice. City staff is comfortable with the agreement as presented.

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Upon final acceptance of the grant and approval of the agreements, the City's SRO officer is planned to start at APS the first day of school in January 2016.]

Mr. Dan Meinert representing Box Butte Family Focus Coalition stated his organization's commitment to the SRO Program. Box Butte Family Focus Coalition has secured \$20,000 in funding for the first year of the program; and although they are unable to legally guarantee future funding for the program their group is philosophically committed to provide funding for the program.

A motion was made by Councilman Jones, seconded by Councilman Feldges to approve Resolution No. 15-101 which follows in its entirety:

RESOLUTION NO. 15-101

WHEREAS, The City of Alliance has been offered a grant to assist the funding of a School Resource Officer from the U.S. Department of Justice Office of Community Oriented Policing Services; and

WHEREAS, The Alliance Public School have made a commitment to share in the cost of the School Resource Officer; and

WHEREAS, The Family Focus Coalition has also committed funding resources to assist with the expense of a School Resource Officer; and

WHEREAS, An Interlocal Cooperation Agreement and a Memorandum of Understanding will be prepared between the City of Alliance and Alliance Public Schools for the services of a School Resource Officer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance accept the grant to assist the funding of a School Resource Officer from the U.S. Department of Justice Office of Community Oriented Policing Services.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Seiler, Jones, Feldges.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Jones, seconded by Councilman Korber-Gonzalez to approve Resolution No. 15-117 which follows in its entirety:

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RESOLUTION NO. 15-117

WHEREAS, The City of Alliance has been offered a grant to assist the funding of a School Resource Officer from the U.S. Department of Justice Office of Community Oriented Policing Services; and

WHEREAS, The Alliance Public School have made a commitment to share in the cost of the School Resource Officer and a Memorandum of Understanding/Interlocal Agreement is required as part of the grant process; and

WHEREAS, Representatives of the City and the Schools have met and agreed upon the terms and conditions of the Interlocal Agreement for submittal to the governing bodies for approval; and

WHEREAS, The Alliance City Council has determined it is in the City of Alliance's best interest to enter into the Interlocal Agreement with the Alliance Public Schools for the services of a School Resource Officer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Interlocal Agreement with the Alliance Public Schools for the services of a School Resource Officer with the funding assistance from the U.S. Department of Justice Office of Community Oriented Policing Services is hereby approved, and the Mayor is authorized to execute the Agreement on behalf of the City.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Seiler, Jones, Feldges.

Voting Nay: None.

Motion carried.

- The final agenda item was the announcement of the current Board vacancies.

The City of Alliance is in receipt of the resignation of John Placek from the Alliance Housing Authority effectively immediately. Mr. Placek's term was scheduled to expire December 31, 2018.

A motion was made by Councilman Korber-Gonzalez, seconded by Councilman Seiler to accept the resignation of John Placek from the Alliance Housing Authority.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Seiler, Jones, Feldges.

Voting Nay: None.

Motion carried.

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Councilman Korber-Gonzalez announced the City has the following openings at this time: two vacancies on the Board of Adjustment; three vacancies on the A-1 Downtown Improvement Board; three vacancies on the A-2 Downtown Improvement Board; one vacancy on the Alliance Housing Authority, two youth ex-officio positions on the Library Board, and a Hispanic representative on the Police Advisory Board.

At the end of the year we will also have term(s) expiring on the Economic Development Plan Citizen Advisory Board, Housing Authority, Planning Commission and a homemaker, social services, business, and Native American representatives on the Police Advisory Board.

Anyone interested in serving on these Boards should contact the City Clerk's Office. Information on all of the City Boards is also available on our web site, www.cityofalliance.net.

- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:45 p.m."

(SEAL)



Ralph Yeager, Mayor



Linda S. Jines, City Clerk
acting

