

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, MARCH 1, 2016

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

The Alliance City Council met in a Regular Meeting, March 1, 2016 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 February 23, 2016. 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 March 1, 2016 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Yeager and Council Members Feldges, Jones, Korber-Gonzalez and Seiler. Also present were City Manager Cox, City Attorney Olsen and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
- Council’s first order of business was the introduction of new City of Alliance employees: Jacob Mills and Jessica Kaye, Public Safety Dispatchers.
- Council next recognized March 8, 2016 as International Women’s Day with the following Proclamation. Diana Martinez was in attendance to accept the Proclamation on behalf of the Soroptimist International of Alliance.

PROCLAMATION

WHEREAS, Soroptimist International of Alliance are business and professional women who strive for human rights for all people and in particular, to advance the status of women by International goodwill and understanding, volunteer action, leadership development, fellowship and diversity; and

WHEREAS, Soroptimist is an international organization for business and professional women who work to improve the lives of women and girls, in local communities and throughout the world, and

WHEREAS, Over 100,000 Soroptimists in about 120 countries and territories contribute time and financial support to community-based and international projects that benefit women and girls, and

WHEREAS, Soroptimist International of Alliance is one of 24 clubs in the Rocky Mountain Region and part of Soroptimist International of Americas which is a world-wide classified service organization. Locally, we presently have 19 members, who are involved in a variety of local projects, and

WHEREAS, Saluting the valuable contributions of Soroptimist International of Alliance for helping women and girls in Box Butte County by participating in Soroptimist International projects including the Soroptimist Women's Opportunity Awards, Soroptimist Club Grants for Women and Girls, the Soroptimist Workplace Campaign to End Domestic Violence, the Soroptimist Ruby Award, the Soroptimist Violet Richardson Award and Soroptimists STOP Trafficking. Soroptimist International Alliance participates in the Live Your Dream campaign, which encourages all women to live their dreams while helping others to do the same.

NOW, THEREFORE, On behalf of the Mayor and Members of the City Council of the City of Alliance, I do hereby proclaim March 8, 2016 as:

INTERNATIONAL WOMENS DAY

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 1st day of March in the year of the Lord Two Thousand Sixteen.

- Council's next order of business was the Consent Calendar.

Councilman Feldges made a motion, which was seconded by Councilman Korber-Gonzalez to approve the Consent Calendar.

A motion was made by Council Feldges to remove Consent Calendar Item No. 6, the Family Focus Grant Acceptance for the SRO Program, until the use of the grant is more defined. The motion was seconded by Councilman Seiler.

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

Voting Nay: None.

Motion carried.

AMENDED CONSENT CALENDAR – MARCH 1, 2016

1. Approval: Minutes of the Regular Meeting, February 16, 2016.
2. Approval: Payroll and Employer Taxes for the period January 30, 2016 through February 12, 2016 inclusive: \$176,197.17 and \$12,384.10 respectively.
3. Approval: Claims against the following funds for the period February 10, 2016 through February 23, 2016: 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; \$903,696.96.
4. Approval: The issuance of a Cemetery Certificate to George D. Krejci and Belva B. Krejci for the Northeast Quarter (NE¼) of Lot Eighteen (18), Section Two (2), Block One (1), Original Plat to the Alliance Cemetery.
5. Approval: The issuance of the following Contractor Licenses:

General Contractor	Matt Jeppson dba Kobalt Construction Wayne Henkel dba Henkel Construction Laura Buettner dba Buettner Construction Co., Inc. K L Wood and Co. LLC KONE Inc. Shaun Houchin dba Clau-Chin Construction Jim Edwards dba Quality Steel Services Inc.
Repair & Maintenance	Viaero Wireless Larry Lybarger dba Expedient Claim Services, Inc. Harley Salway dba Harley’s Construction Services Stephen Hancock dba 3 Friends Construction Stephen D. Steggs dba Steve’s Bobby Delgado dba BDH Services
Limited & Specialty	Charles R. Hamm dba C & J Steel Erectors
Master Plumber	K L Wood and Co. LLC Dennis Meng dba Merritt Inc. Roger Scheidies dba Bamford Inc.
Gas Fitter	K L Wood and Co. LLC Bruce Rasmussen dba Rasmussen Mechanical Services Dennis Meng dba Merritt Inc.

Master HVAC	Robert Myer dba Jerry's Sheet Metal Heating & Cooling Bruce Rasmussen dba Rasmussen Mechanical Services Dennis Meng dba Merritt Inc.
Journeyman HVAC	Dennis Moore dba Jerry's Sheet Metal & Cooling
Groundwork & Excavation	Mark Chrisman dba Mark Chrisman Trucking, Inc.

7. Approval: The Alliance Chamber of Commerce would like to use the Hal Murray Softball Complex for their annual Easter Egg Hunt. The event will be on Tuesday, March 22, 2016 between 2:00 p.m. and 5:00 p.m. The alternate date will be Thursday, March 24, 2016. A Certificate of Insurance has been provided.
8. For Your Information: The City is in receipt of the Official Notice of the Revised Rate Schedule for Bulk Power Participants, Service Schedule M. The new rates will be effective April 1, 2016. A copy of the Notice has been included within your packet.

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 on the amended Consent Calendar with the following results:

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

Voting Nay: None.

Motion carried.

- The Conflict Claims for the travel expenses Councilmembers incurred while attending the Nebraska League of Municipalities Mid-Winter Conference were the next items for consideration.

A motion was made by Councilman Korber-Gonzalez, seconded by Councilman Seiler to approve mileage and parking reimbursement in the amount of \$450.00 to Councilman Feldges.

Roll call vote with the following results:

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

Voting Nay: None.

Abstaining: Feldges.

Motion carried.

Councilman Feldges made a motion to approve mileage and parking reimbursement in the amount of \$450.00 to Councilman Seiler. The motion was seconded by Councilman Jones.

Roll call vote with the following results:

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

Voting Nay: None.

Abstaining: Seiler.

Motion carried.

A motion was made by Councilman Seiler to approve mileage and parking reimbursement in the amount of \$450.00 to Councilman Jones. The motion was seconded by Councilman Feldges.

Roll call vote with the following results:

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

Voting Nay: None.

Abstaining: Jones.

Motion carried.

- City Manager Cox gave his City Manager's Report which follows in outline form:
 - Disposing of Impounded Vehicles & Bicycles – Vehicles Underway; Bicycles later this spring
 - Working on upcoming demolition projects
 - Challenged staff to prepare for vehicles for March – most remaining vehicles on next agenda
 - Good news: Streetscape – Bid letting in June
 - CRA – Underway – first meeting-March 11
- The next agenda item was the Audit Presentation. Terry Galloway of Almquist, Galloway & Luth, P.C. reviewed the City of Alliance's Audit of the Financial Statements for the period of October 1, 2014 through September 30, 2015 via teleconferencing. Following Mr. Galloway's highlights of the Audit, which is on file in the City Clerk's Office, he reported to Council bench marking comparisons with other communities. Bench marking indicates the "best practice" level and then compares the City of Alliance with the standard. In summary, Mr. Galloway reported to Council that Alliance is in very good to excellent overall financial shape.

Mr. Galloway recommended monitoring the Sewer and Refuse Funds and stated Alliance maintains a good cash reserve, under-spent on the budget allocations, and has low property taxes.

A motion was made by Councilman Feldges to accept the Audit as presented. The motion was seconded by Councilman Seiler.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item before Council was the first reading of Ordinance No. 2798 which proposes two modifications to the Electric Utility Section of the Alliance Municipal Code. Council was provided with the following information:

[Staff is recommending to Council the consideration of two changes to the Alliance Municipal Code Utilities Chapter – Electric System. The first amendment recommendation would be to remove Section 28-161 (j) Load Management Credits for Air Conditioning Units.

~~(j) — *Load management credits for air conditioning.* Customers participating in the summer air conditioning load management program will be given a monthly billing credit during the summer season, as established by the mayor and city council, for the summer season months. To be eligible to enroll for this credit, the device being controlled must have a controlled load of three kilo-volt amperes (kVA) or greater. Customers to this service must install a radio switch furnished by AMES. Load control credit per kilo-volt amperes (kVA) of interruptible load, as established by the city.~~

This recommendation is being made as it is no longer economically beneficial to the City to offer this credit. In order to provide this service the City needs to upgrade our transmitters due to the FCC radio frequency rule change. The City has nineteen (19) customers utilizing this service which totaled \$800 in credits last year. Of those 19 services, 4 are City accounts and 1 is the County which received more than half of the credit. The load factor being controlled no longer has a significant impact to warrant the upgrade.

The second amendment recommendation is to modify Section 28-168. Security light (class 7).

Sec. 28-168. - Security light (class 7).

Security light (class 7) rates are as follows:

- (1) *Security lighting; urban and rural. Available to all customers served by the city, when the City Manager, or designated representative determines the current infrastructure can accommodate the service. Rates include fixture, energy*

and maintenance of an existing AMES {Alliance Municipal Electric Service} or customer provided pole. Any new pole placement or replacement maintenance will be at the customers' expense.

(2) *Security light rates. Security light rates shall be as established by the city.* The City billed 417 security light accounts which generated approximately \$110,000 in revenue during the last fiscal year. The issue we currently have is that some of the security lights are not on City property/easements or City-owned poles. We want to continue to offer the service to the accounts on public property and poles. It is our recommendation to discontinue providing equipment and maintenance for security lights which are on private property and poles not owned by the City for liability reasons. Our present records do not differentiate between public and private security lighting accounts. Each account will need to be visually identified to determine the status. If this amendment is approved, accounts will be correctly identified and account holders of privately-owned security lights will be notified that maintenance will no longer be provided to the account. The account holder can then decide if they want to continue the account under the security light class knowing that maintenance is not included within the rate or move it to another metered rate class. The security light rates have also been included in your background material.]

A motion was made by Mayor Yeager, seconded by Councilman Feldges to approve the first reading of Ordinance No. 2798 which City Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2798

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE BY REMOVING SECTION 28-161 (j) LOAD MANAGEMENT CREDITS FOR AIR CONDITIONING UNDER THE GENERAL TERMS AND CONDITIONS, ALL RATES; MODIFYING SECTION 28-168 SECURITY LIGHT (CLASS 7), REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE WHICH ARE INCONSISTENT WITH THIS ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Alliance Municipal Code at Section 28-161 shall be amended as follows:

Sec. 28-161. General terms and conditions, all rates.

(a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Summer season means the four billing periods beginning with the third cycle in June and ending with the second cycle in October, or from the first billing after June 15 and ending with the last billing before October 15.

Winter season means the eight-billing periods not included in the summer season.

(b) *Production cost adjustment.* The rates and the billings for the service rendered hereunder may be adjusted administratively, with city council approval, from month to month to reflect the change in production cost adjustments charged by the city's suppliers. The monthly adjustment may be increased to reflect system losses as calculated for the previous calendar year.

(c) *Tax clause.* The rates may be increased administratively by the amount of any new or increased tax or fee imposed and levied on the transmission, distribution, production or sale of electricity.

(d) *Special terms and conditions.*

(1) Special service requirements, if available, will be billed on an actual cost basis by AMES.

(2) AMES shall supply one electric service to a property at one point of delivery designated by the electric superintendent. For installation of additional electric services to a property, the customer or owner shall pay AMES an installation fee equal to the total cost of installing the service equipment except for the meter as supplied by AMES. Distribution from the point of delivery to points of use on the customer's premises shall be the responsibility of the property owner.

(3) When electric service is measured through more than one meter, the consumption registered on each meter will be billed separately unless installation is at the convenience of AMES and is approved by the electric superintendent. When a portion of a residential dwelling is used for commercial purposes, the residential rate shall apply provided:

- a. The service is all taken from one meter;
- b. The residential load exceeds the commercial load, as determined by AMES.

In all other cases the residential and commercial service will be separately metered and billed under the applicable rate, or all service to the premises will be billed under the applicable general service rate.

(4) Single apartments will be considered residential property and residential rates shall apply.

(5) Apartment building house meters will be considered commercial and the general service rates shall apply.

- (e) Power factor adjustment. The customer will be expected to maintain a power factor of 95 percent lagging or better. If the measured power factor is lower than this, the customer will be given 90 days to correct. If the power factor is not corrected, the monthly bill shall be increased by the ratio of 0.95 divided by the actual power factor expressed in decimals.
- (f) Primary metering. Primary metering shall be used where transformation equipment and appurtenances are customer owned and maintained and may be used at the convenience of AMES. Billings derived from primary metering data shall be reduced 1.5 percent for transformer losses and an additional two percent if all transformation is owned and maintained by the customer.
- (g) Additional equipment or transformation charge. The customer shall pay AMES an installation fee for installing equipment or transformers in excess of the required capacity as determined by AMES. Said fee shall be equal to the cost of the requested equipment or transformation, less the estimated cost of the needed equipment. AMES shall own and maintain all equipment thereafter.
- (h) Restoration of service. Any customer making a request for restoration of electric service within a 12-month period, in the same name or same customer, at the same address shall pay a restoration charge as established by administrative policy. This charge shall be paid prior to reconnection.
- (i) Fluctuating loads. Customer operating equipment having highly fluctuating loads, large instantaneous demand or equipment which generates interference or harmonics as determined by AMES shall be required to pay all nonbetterment costs of isolating the loads from the balance of the AMES system so that the load will not unduly interfere with service on the AMES lines. In addition, customers who fail to provide adequate corrective equipment shall be required to own and maintain his own transformers and other acceptable isolation equipment.

SECTION 2. The Alliance Municipal Code at Section 28-168 shall be amended as follows:

Sec. 28-168. - Security light (class 7).

Security light (class 7) rates are as follows:

- (1) *Security lighting; urban and rural.* Available to all customers served by the city, when the City Manager, or designed representative determines the current infrastructure can accommodate the service. Rates include fixture, energy and maintenance of an existing AMES pole. Any new pole placement or maintenance will be at the customers' expense.
- (2) *Security light rates.* Security light rates shall be as established by the city.

SECTION 3. All ordinances or parts of ordinances passed and approved prior to passage, approval and publication of this ordinance in conflict herewith are now repealed.

SECTION 4. 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. 2798 with the following results:

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

Voting Nay: None.

Motion carried.

- Ordinance No. 2799 which will authorize the sale of Lot 2, Subdivision of Lot 10, Block 2, Hammond Addition to Habitat for Humanity was the next agenda item. Council was provided with the following information:

[At the January 5 Council meeting, Habitat for Humanity (HfH) representative Harold Roller submitted a request for the City to consider “gifting” or “discounting” a City lot to the organization for the construction of a home as part of their program to help those in need of housing. Subsequently, staff met with Mr. Roller and requested that he submit a list of acceptable properties from the City’s inventory. To that request, Mr. Roller submitted one property as follows. Then, on February 2, Council discussed the request and asked staff to prepare documents to facilitate the transfer of one residential lot for \$100.

Staff has prepared the legislative document – Ordinance 2799, which if approved, will authorize the agreement for the sale of Lot 2, Subdivision of Lot 10, Block 2, Hammond Addition.

Lot 2, Subdivision of Lot 10, Block 2, Hammond Addition.

Lot 2, Subdivision of Lot 10, Block 2, Hammond Addition where records show sewer and water taps to the property. The sewer is on the west side of the street and water is on the east side (the fire hydrant next to the entrance of KCOW was stubbed across the street for some unknown reason). Electric is overhead with three-phase in the platted alley along the rear or three-phase along the front. The approximate size of the lot is 10,966 ft².

As with all City lot sales, State Law requires a 30-day remonstrance period which will commence upon the publication of a Notice of Sale. Closing on the property could then occur following the 30-day remonstrance period. In order for HfH to be able to complete the rest of its procedures and to also meet the timing of the building season, Council may wish to waive one or more readings, which could save a month in the timeline.

PREVIOUS NOTES

*Authorized Price: \$6,000.00 + \$741.50= \$6,741.50

**Estimated Bldg Permit Fees: \$382.00 to \$587.00

**Per Resolution 07-23, this lot is priced at \$6,000 for the first 8,000 square feet, plus \$0.25 per square foot for the remaining 2,966 square feet; AND, for a \$2,000 refund should a house be constructed on the property within two years.*

*** Building Permit Fees estimated for \$50,000 construction: \$382.00; \$100,000 construction: \$587.00.*

Previous Council actions as was reported during discussion on January 5:

Sept 1, 2005: Approved donation of City Lot (Tract C & D, Lot 2, Block 1, Grovefield Addition

Oct 5, 2006: Approved waiving building permit fees on same property

Nov 17, 2007: Approved waiving building permit fees on HfH project at 651 E 8th

July 16, 2009: Approved waiving building permit fees on HfH project at 1407 Big Horn

PREVIOUSLY IDENTIFIED OPTIONS

Sell lot per current City policy

Pro's: Maintains consistency

Con's: City lots are not moving; does not further encourage development

Impact: No cash impact on City

Waive building permit fees

Pro's: Provides token negotiation

Con's: Inconsistent. What do we tell the next "good cause?"

Impact: Small impact on City (\$382-\$587 estimated)

Waive Refund Upfront

Pro's: Could be helpful to low cash project

Con's: Does not incentivize completion; inconsistent with other sales

Impact: No net cash impact on City

Increase Refund on Single Property

Pro's: Could be helpful to low cash project

Con's: Inconsistent with other sales; what do we tell the next "good cause?"

Impact: Small to moderate impact on City

Increase Refund on Remaining Hammond Properties

Pro's: Consistent; could be helpful to low cash project

Con's: Reduction of funds to City

Impact: Moderate impact on City

Increase Refund on all Remaining City Lots

Pro's: Consistent; could be helpful to low cash project; could incentive further development in City

Con's: Reduction of funds to City

Impact: Large cash impact on City

Donate land

Pro's: Could be helpful to low cash project

Con's: Inconsistent with other sales; what do we tell the next "good cause?"

Impact: Large cash impact on City

Hybrid – Mix of Discounting Price and Increasing Refund

Pro's: Maintains consistency

Con's: Discounting one lot provides inconsistency

Impact: No cash impact on City

Options

GROVEFIELD ADDITION

Grovefield Addition tracts show water and sewer taps to the property. The sewer is on the west side of the street and water is on the east side. Electric is overhead along Buchfinck Avenue. The properties along Grove Avenue have underground secondary's through an easement located along the east/west property line of each tract.

LAKEFIELD ADDITION

Lakefield Addition lots show water and sewer taps to the property. If they are not able to find them, sewer is on the west side of the street and water is on the east. Electric is under-ground in an easement on the rear of the property.

HOMESTEAD ADDITION

Block 4 of Homestead Addition (Ken Hart's Block) shows water and sewer taps. The sewer is in the platted alley and the water main is on the north sides of all east/west streets. Electric is overhead in the platted alley.

Block 5 of Homestead Addition shows water and sewer taps. If they are not able to find them, sewer is in the alley and easement and the water main is on the east side of Aksarben Avenue and the north side of Sandhills Street. There is not an electric primary.

Lots 13 and 18 on Homestead Avenue do not show water or sewer taps but both mains are present. Lot 18 shows electric along the south side of the property.

The Hammond lots and Lots 13 and 18 on Homestead Avenue are the only ones mentioned above that don't have gas mains according to the map SourceGas provides us.

PREVIOUS DISCUSSION - HABITAT FOR HUMANITY PROPERTY REQUEST

The City received from the local Habitat for Humanity (HfH) a request for the City to provide one to two of its City lots to the organization at a discounted price. The group indicates its non-profit status and charitable giving to families in need as grounds for the request.

HfH has approached the City in the past, with mixed responses. A summary of those responses are included below along with the detailed information in your packet:

- Sept 1, 2005: Approved donation of City Lot (Tract C & D, Lot 2, Block 1, Grovefield Addition
- Oct 5, 2006: Approved waiving building permit fees on same property
- Nov 17, 2007: Approved waiving building permit fees on HfH project at 651 E 8th
- July 16, 2009: Approved waiving building permit fees on HfH project at 1407 Big Horn

In summary, the following are properties noted that HfH has performed work on:

1440 Buchfinck Avenue
 Land donated by the City of Alliance (Res. 05-100)
 Building Permit fees waived by the City Council (Res. 06-95B)

651 East 8th Street
 Property not owned by City
 Building Permit fees waived by the City Council (Res. 07-125A)

1407 Big Horn Avenue
 Property not owned by City
 Building Permit fees waived by the City Council (Res. 09-87A)

1403 Big Horn Avenue
 Property not owned by City
 Habitat for Humanity paid Building Permit fees based on material costs only (\$50,000)

Also included in the Council packet are the following:
 Listing of lots available for purchase
 Resolution 07-23 which sets the sale price of the various City lots
 Process by which City lots are sold

Comment: It is certainly Council's prerogative to set policy. Staff would suggest cautiously approaching your consideration of this question. While the cause

seems, on every level, good and just, what other types of requests might you receive: another not-for-profit organization, a church, an individual with special needs, an individual with no financial means, etc.]

A motion was made by Councilman Jones, seconded by Councilman Korber-Gonzalez to approve the first reading of Ordinance No. 2799 which City Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2799

AN ORDINANCE AUTHORIZING THE SALE OF LOT 2, SUBDIVISION OF LOT 10, BLOCK 2, HAMMOND ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA.

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

SECTION 1. The City of Alliance ("City") owns the following described real estate: Lot 2, Subdivision of Lot 10, Block 2, Hammond Addition, to the City of Alliance, Box Butte County, Nebraska.

SECTION 2. An offer has been made by Habitat for Humanity of Box Butte County, Inc. to purchase this real estate for \$100.00 and to construct a house on the real estate. The City is willing to accept this offer.

SECTION 3. The Mayor and City Clerk are authorized to sign an Agreement and Deed to convey the above described real estate by Quit Claim Deed to Habitat for Humanity, on the following terms:

- a. The purchase price shall be \$100.00 to be paid at closing.
- b. Closing of the sale is conditional upon no remonstrance against the sale being filed. Closing shall take place within 30 days after the expiration of the time for filing a remonstrance against the sale, or no later than May 31, 2016. The sale is also conditional upon the Buyer commencing construction on a single family residence within one (1) year of its purchase and following the criteria for placement as set forth in the Agreement.
- c. All real estate taxes and special assessments shall be prorated to date of closing. The closing costs and owner's title insurance shall be paid by the Buyer and Buyer shall pay any realtor fee. Buyer shall also apply and pay for all applicable building permits.

SECTION 4. The Clerk shall, immediately after the passage and publication of this Ordinance, publish notice of the sale and its terms for three consecutive weeks in the Alliance Times-Herald.

SECTION 5. This Ordinance shall become effective upon its passage, approval and publication shall be in pamphlet form.

Roll call vote to approve the first reading of Ordinance No. 2799 with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 16-27 authorizing the payment for the 2003 International Kodiak Snow Blower repairs in the amount of \$25,693.14 was the next item on the agenda. Council was provided with the following background information:

[The Alliance Airport owns a 2003 International Kodiak Northwestern Snow Blower that is an essential piece of equipment during snow removal operations because it allows the snow to be blown beyond the safety area of the runways. Unfortunately, during the big snow storm in the first week of February 2015, the blower rotor ceased operation. The shaft that turns the rotor which allows the snow to be picked up and then blown is the problem. The shaft has two different parts to it, the front drive shaft can be rebuilt by Kodiak and the rear drive unit has to be sent in to the manufacturer through Kodiak. The original estimated time frame for the rebuild was five months.

Airport personnel researched options in February 2015 for the repair including someone local being able to rebuild the rear drive shaft instead of shipping it to Kodiak. Personnel were hoping that a local vendor could complete the task in less time and more economically. Kodiak has a lot of specialized parts that do not interchange with other similar products. The concern of local vendors was that they would start the rebuild and not have access to necessary parts to complete the job. The airport would then have to send it to Kodiak and still have a long lead time for completion.

In March 2015, staff presented to Council the repair estimate for the blower in the amount of \$11,600 and that budget authority provided through resolution and was subsequently forwarded to the 2015-16 fiscal year. Staff was notified in late fall of 2015 that the repairs had not been completed and that the original quoted amount was not accurate. The final billing for repairs is \$25,693.14 with repairs completed the first week in February 2016. (A second bill of \$2,715 is from renting a tractor to pull a snow blower behind it to clear the runways. There was no charge for using the snow blower.)

The budget and cash flow are both very limited for the airport operating and Airport Contingency alone will not cover the additional budget authority needed.

Staff is requesting to transfer \$10,000 from Capital Outlay – Vehicles (GL#) along with \$5,000 Airport Contingency (GL#) to cover the shortfall.]

A motion was made by Councilman Feldges, seconded by Councilman Seiler to approve Resolution No. 16-27 which follows in its entirety:

RESOLUTION NO. 16-27

WHEREAS, The City of Alliance owns and operates the Alliance Municipal Airport; and

WHEREAS, The Airport has experienced a maintenance issue with the 2003 International Kodiak Northwestern Snow Blower which is an essential piece of equipment needing to be repaired immediately; and

WHEREAS, There does not exist adequate funding within this fiscal year budget to pay for the repairs to the snow blower; and

WHEREAS, Staff is requesting the use of \$5,000 from the Airport Contingency Fund along with a transfer of \$10,000 from Capital Outlay-Vehicles to finance the repair; and

WHEREAS, The funds will be transferred to the NRCNTSVC – Vehicle Repair Maintenance Account.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the use of \$5,000 from the Airport Contingency Fund and \$10,000 from the Capital Outlay-Vehicles Fund are hereby authorized to be transferred to Account No. 22-41-43-44-482 for the repair of the 2003 International Kodiak Northwestern Snow Blower.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was Resolution No. 16-28 which will secure the services of SCS Engineering to assist the City with maintaining compliance requirements of the Nebraska Department of Environmental Quality for the operation of the Landfill. Council was provided the following background information:

[SCS Engineers (Aquaterra) have been providing engineering, scientific, and regulatory compliance support services to the City of Alliance Landfill for many years. The City has received four proposed amendments to our contract to receive additional assistance to maintain compliance and to provide materials to the Nebraska Department of Environmental Quality (NDEQ). The four amendments will provide for the following tasks:

- Amendment 6 Ongoing semi-annual groundwater monitoring for the Title 132 Active Landfill - \$16,175
Sampling would be completed during 1st and 3rd quarters as it has been done in the past. Notable changes to the scope of work from past tasks is that SCS has incorporated reporting changes request by the NDEQ and that the laboratory costs for the samples are included.
- Amendment 7 Installation of 5 new monitoring wells - \$33,000
This is a requirement based upon the recent correspondence with the NDEQ. The wells will be installed in a single mobilization and the cost for the subcontract driller is included.
- Amendment 8 Ongoing quarterly monitoring for the Title 118 Step 7 investigation (off-site monitoring wells) - \$25,000
This covers the ongoing quarterly monitoring for the Title 118, Step 7 Investigation (off-site monitoring wells). Laboratory costs are included and the sampling will included the new wells which are addressed in Amendment 7.
- Amendment 9 On call services for miscellaneous items, which will include discussions on how to best meet the storm water compliance project related to the C&D landfill – fee will be based on their standard rates.

This will cover on call services and can be used for miscellaneous items that arise. This amendment will be used to begin discussion on the storm water compliance project related to the C&D Landfill. Once a plan is firmed up to meet the NDEQ requirements a separate amendment with the final scope of work for the storm water improvements will be prepared.]

A motion was made by Councilman Seiler, seconded by Councilman Feldges to approve Resolution No. 16-28 which follows in its entirety:

RESOLUTION NO. 16-28

WHEREAS, The City of Alliance has a current contract with SCS Engineers (Aquaterra) of Scottsbluff, Nebraska, for the purposes of consulting with, and assisting the City of Alliance in the permitting processes of the Municipal Landfill; and

WHEREAS, The Nebraska Department of Environmental Quality is the governmental body which oversees the operations of landfills to ensure compliance; and

WHEREAS, SCS Engineers have agreed to assist the City with meeting compliance issues with the Nebraska Department of Environmental Quality related to the Alliance Landfill; and

WHEREAS, The City is in receipt of the following four amendments to our contract with SCS Engineers to assist in maintaining compliance and providing materials to the Nebraska Department of Environmental Quality:

Amendment 6	Ongoing semi-annual groundwater monitoring for the Title 132 Active Landfill - \$16,175
Amendment 7	Installation of 5 new monitoring wells - \$33,000
Amendment 8	Ongoing quarterly monitoring for the Title 118 Step 7 investigation (off-site monitoring wells) - \$25,000
Amendment 9	On call services for miscellaneous items, which will include discussions on how to best meet the storm water compliance project related to the C&D landfill – fee will be based on their standard rates; and

WHEREAS, There are adequate funds within the Landfill Disposal Account No. 06-51-55-43-331 - Professional Engineering Services to pay for the proposed services of Amendments 6, 8 and 9.

WHEREAS, There are adequate funds within the Landfill Capital Outlay-Other Improvements Account No. 06-51-55-59-970 to pay for the proposed services of Amendment 7.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to enter into Amendments 6, 7, 8 and 9 with SCS Engineers for consulting services related to the operation of the Alliance Municipal Landfill.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Council next discussed with staff and contracted Street Superintendent, Jeff Wolfe, the prioritization of street repairs within the City and the financial impact they may have. The discussion provided direction in the preparation of the One and Six Year Street Improvement Plans that will be forwarded to the Planning Commission for their consideration at their next meeting. Council also discussed a potential bond issue in order to accomplish a greater amount of street projects on a quicker time table.
- The next topic of discussion was staff's request of Council to consider implementation of revised sewer rates. Assistant City Manager/Finance Director Waggener informed Council that currently Alliance is facing the need for significant upgrades to the aging infrastructure. The necessary improvements are not currently provided within the current rate structure. Our minimum customer charge and usage charges for residential customers are the lowest in the State. Council requested staff to put together three or four options for consideration on how to address the financial needs of the sewer fund.

- The next agenda item were board vacancy announcements.

Councilman Jones reported the City has the following openings at this time: two vacancies on the Board of Adjustment; one vacancy on the A-2 Downtown Improvement Board; one vacancy on the Alliance Housing Authority, two youth ex-officio positions on the Library Board, one vacancy on the Planning Commission, and an Hispanic representative on the Police Advisory Board. Anyone interested in serving on these Boards should contact the City Clerk's Office. Information on all of the City Boards is also available on our web site, www.cityofalliance.net.

- The final item before Council was a Closed Session to discuss a litigation matter.

Councilman Feldges moved pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943, that the Alliance City Council hold a closed session for the purpose of discussing a litigation matter. The motion was seconded by Councilman Jones.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager announced with five votes in favor, the Council pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943, that the Alliance City Council will hold a closed session for the purpose of discussing a litigation matter. City Manager Cox, Assistant City Manager/Finance Director Waggener, City Attorney Olsen, City Clerk Jines and Attorney Mike Rogers were asked to remain for the closed session.

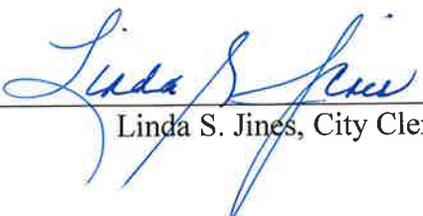
Following a brief five minute recess Council and named staff entered into closed session at 9:09 p.m. The session concluded at 10:19 p.m.

- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 10:20 p.m."

(SEAL)



Ralph Yeager, Mayor



Linda S. Jines, City Clerk

