

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, MARCH 15, 2016

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

The Alliance City Council met in a Regular Meeting, March 15, 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 March 8, 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 15, 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 was the presentation of two proclamations. The first proclamation recognized of the 125th Anniversary of the Alliance Fire Department and the second proclaimed the week of March 13th-19th as National Agriculture Week. The following proclamations were presented:

PROCLAMATION

WHEREAS, The City Council is proud to commemorate the 125th Anniversary of the Alliance Fire Department, and to honor its past and present members for 125 years of fire protection and emergency medical services to the citizens of Alliance, Nebraska and the surrounding area; and

WHEREAS, Fire Departments are an integral part of their community, during the past 125 years, the courageous and devoted members of the Alliance Fire Department have valiantly

responded to all types of emergencies and have won the praise and respect of the community which they serve; and

WHEREAS, During its humble beginning as the Alert Fire Department in 1891 by Louis Buechsenstein with its first headquarters in the Syndicate Block Building at 4th Street and Niobrara Avenue; and

WHEREAS, Officially chartered as the Alliance Fire Department on March 20, 1900 with nine men gathered to organize and the first firefighting equipment consisted of a hose wagon with 500 feet of fire hose and a hook and ladder wagon with 8 leather buckets; and

WHEREAS, Over the last 125 years, the Alliance Fire Department has fought several major fires; and

WHEREAS, With a membership of dedicated volunteer firefighters, the record of the Alliance Fire Department in public service and fire protection is one to be envied; for 24 hours a day, for 365 days a year, for 125 years, whenever the alarm sounded, these noble volunteers left their homes and went to the aid of their neighbors; and

WHEREAS, The brave firefighters of the Alliance Fire Department are prepared to risk their lives every day to help save the lives of others and to protect homes and property from the destruction caused by fire; and

WHEREAS, In addition to the skill and devoted service demonstrated by individual firefighters, the Alliance Fire Department reflects the history and development of firefighting over the past 125 years; and

WHEREAS, The City Council of Alliance cannot express sufficient gratitude to those devoted individuals who recognize that the preservation of life and property is a sacred responsibility and who make that responsibility their own by serving as firefighters; and

WHEREAS, It is the sense of this City Council that we should give special recognition to those who work so assiduously for the betterment of their community, and acknowledge publicly the heroic good works performed by the Alliance Fire Department, its officers and members.

NOW, THEREFORE BE IT PROCLAIMED by the Mayor and Council of the City of Alliance, Nebraska pause in its deliberations to proudly commemorate the

125th Anniversary of the Alliance Fire Department

PASSED AND APPROVED this 15th day of March, 2016.

Members of the Alliance Volunteer Fire Department were present to receive the proclamation.

The following proclamation was presented to a representative of the agricultural community.

PROCLAMATION

Whereas, the foundation of Box Butte County agriculture – farming and ranching – occurs on nearly 450 agricultural operations representing 670,000 acres of crop and pasture land in the county; and

Whereas, farm and ranch families, symbols of strength and dedicated work ethic, are “Planting Values and Growing Futures” as they supply our regional, state, national and global economies with an abundance of high quality food and fiber goods and products; and

Whereas, farm and ranch families of Alliance are stewards of the land, preserving and enhancing productivity and quality of the lands and natural resources; and

Whereas, Box Butte County has been designated as a “Livestock Friendly County” by the County Commission and the Nebraska Department of Agriculture; and

Whereas, Nebraska’s economy, as the 3rd largest agriculture-producing state in the nation, relies on support from many sectors of agriculture – education and youth programs; research, technology and rural development; retail, wholesale and commercial agricultural businesses; cooperative and commodity entities; and policy and education groups - ensuring safe and dependable food and fiber; and

Whereas, 2016 marks the 43rd anniversary of National Agriculture Week observances, an effort to raise awareness of the positive contribution agriculture makes in providing the necessary food, feed, fuel and fiber of everyday life;

Now, therefore, we, as members of the Alliance City Council, do hereby proclaim March 13-19, 2016 as

National Agriculture Week

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 15th day of March in the year of the Lord Two Thousand Sixteen.

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

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

CONSENT CALENDAR – MARCH 15, 2016

1. Approval: Minutes of the Regular Meeting, March 1, 2016.
2. Approval: Payroll and Employer Taxes for the period February 13, 2016 through February 26, 2016 inclusive: \$181,869.15 and \$12,774.89 respectively.

3. Approval: Claims against the following funds for the period February 24, 2016 through March 8, 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; \$310,325.90.
4. Approval: Resolution No. 16-35 modifying the amount to be borrowed from four million to one million, and extending the maturity date to June 3, 2016 for the Airport improvements loan with First National Bank of North Platte.
5. Approval: Resolution No. 16-36 renewing the Medical Advisor Agreement with Dr. Chu for the Alliance Fire Department EMS.
6. Approval: Resolution No. 16-37 will renew the Janitorial Contracts for the Alliance Learning Center, Knight Museum and Sandhills Center, Airport Terminal, Public Works Facility, and SkyView Golf Course to Service Maxx Cleaning and Restoration.
7. Approval: Resolution No. 16-38 granting a Special Designated Liquor License to Dondon, Inc. dba Players Sports Bar for the Annual Nebraska Museum Association Conference. The conference is being held on April 11, 2016 at the Knight Museum and Sandhills Center.
8. Approval: Resolution No. 16-39 authorizing the submittal of the City of Alliance's Detailed Plan of Operation for the Box Butte County Handyman Program for fiscal year July 1, 2016 through June 30, 2017. The resolution will also authorize the Mayor to execute the necessary documents for acceptance if awarded.
9. Approval: Resolution No. 16-40 granting permission to accept a Nebraska Office of Highway Safety grant of \$7,000 towards the purchase of two digital in-car camera systems. The resolution also authorizes the use of \$7,300 from the Police Grant Contingency Account No. 01-31-32-47-792.
10. Approval: The *Request for Reserved or Exclusive Use of City Property* of Haven on the Bricks to conduct a Bazaar in the paved alley behind 508 Box Butte Avenue. The event will take place on Saturday, April 23, 2016 between the hours of 8:00 a.m. and 5:00 p.m. Although the event will be held directly behind their building, staff is recommending the full closure of the alley for safety reasons. A Certificate of Insurance has been provided naming the City as an additional insured.

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.

Any item listed on the Consent Calendar may, by the request of any single Council Member, be considered as a separate item in the Regular Agenda.

Roll call on the Consent Calendar with the following results:

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

Voting Nay: None.

Motion carried.

- City Manager Cox gave his City Manager's Report which follows in outline form:
 1. At request of owners, recently conducted traffic study in Meadows Trailer Court-close proximity of mobile homes and parked vehicles.
 - a. Reducing speed on Buffalo Avenue from 30 to 25 mph
 - b. Consistent with Nebraska Neighborhood Traffic Mitigation Program, placing traffic speed bumps
 2. Estimate on Repair of Municipal Building North Face:
 - a. Approx: \$102K-\$103K.
 - b. Plan to discuss during budget process
 3. Economic Update from Workforce Development - January
 - a. The unemployment rate for Nebraska was 3.0% and the National Unemployment rate was 4.9%. The rate for Box Butte County was 4.0% in January 2016 compared to 2.9% in January of 2015.
 - b. New business downtown at 315 Box Butte
 - c. Workforce Development received 275 job orders from area employers in January.
 4. Organizational Meetings
 - a. CRA – Underway – first meeting-March 11; next up training and reconnaissance
 - b. Recycling Grant Walk Thru –March 16 with WasteCAP Nebraska
 - i. Accepting applications for Recycling Task Force
 - ii. Formal Approval by NET – April 7
 5. Comprehensive Plan – Brent Kusek and I started the long process of review and update
 6. Disposing of Impounded Vehicles & Bicycles – Vehicles Underway; Bicycles later this Spring
 7. NDOR – Plans to PS&E – June 23, 2016 bid letting
- The next agenda item was the first reading of Ordinance No. 2800 which will add a section to the Alliance Municipal Code to allow for an Entertainment District. Council was provided with the following information:

[In 2015, Alliance experienced “Bands on the Bricks” a downtown community event complete with music, bands, food vendors and beer gardens. This series of six events held last year in the 200 block of Box Butte was well received in the community. The sole regret expressed was that folks had to be “corralled” inside of cattle fences rather than being free to roam about the area to dance, etc. Main Street wishes for a more “family environment,” rather than parents having to sit behind fences to enjoy an alcoholic beverage, while their children are elsewhere.

Therefore, as a next evolution of this downtown community experience, Main Street and City Staff have been researching the possibility of establishing an Entertainment District in the same 200 block of Box Butte for their 2016 series, scheduled to run six weeks from July 1 – Aug 5, 2016.

Below are the major highlights:

- Ordinance grants to the City Clerk the power to issue an Entertainment District Permit, who also collects the application fee of \$100, payable within 15 days of approval.
- Permit is valid for 6 years. The renewal carries the same cost.
- Requires plans to show the property, location of buildings, sidewalks, streets, proposed common areas, barriers, and the location and distance to the entertainment venue.
- City Council can impose additional requirements, should it so choose, e.g., access, design, types of business and uses, hours of operation and types of events.
- The use of the area as an Entertainment District is thereafter controlled by Council passing a Resolution that approves an event and closes the street for the specified duration.

We have worked with legal counsel, who in turn, has been in conversation with the Nebraska Liquor Commission and other legal advisors.]

Holly Heath, Historic Main Street Manager, 1430 Buchfinck Avenue, was in attendance to discuss the desire for an Entertainment District and answer questions of Council. Ms. Health stated they planned to utilize the Entertainment District in conjunction with the Band on the Bricks series. She stated there will be two entrances on the west side (one on the north end of the block and the other on the south end of the block). At this time they are proposing the availability of 12 oz. beers. Volunteers will be used to monitor the area and bar staff will be checking identifications. Currently sponsors will be WNCC, Rotary Club and the Lion's Club. All three bars will be participating in the event. Snow fence will be utilized to designate the area and no coolers or bags will be allowed to be brought into the area. Currently it is planned to have food provided by The Gathering Spot and Cardio Connection.

Councilman Feldges requested that special consideration be taken into account for parking issues.

A motion was made by Councilman Feldges, seconded by Councilman Seiler to approve the first reading of Ordinance No. 2800 which City Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2800

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE TO INCLUDE PROVISIONS IN CHAPTER 4 TO AUTHORIZE ENTERTAINMENT DISTRICTS WITHIN THE CITY, SETTING UP REGULATIONS AND PROCEDURES FOR APPLYING FOR AN ENTERTAINMENT DISTRICT, AMENDING OTHER PROVISIONS OF THE MUNICIPAL CODE SO THAT THEY ARE NOT INCONSISTENT, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. Chapter 4 of the Alliance Municipal Code is amended by adding the following language:

“Sec. 4-9. Establishment of an Entertainment District.

(a) After a public hearing, the City Council shall have the discretion to designate an area of real property as an Entertainment District and authorize by resolution for the City Clerk to issue an Entertainment District Permit to the common property owner or promotional association where the area of real property:

- (1) includes an Entertainment Venue or proposed boundary line of Entertainment District is within 100 feet of an Entertainment Venue’s primary entrance as determined by the City of Alliance;
- (2) includes one or more Commons Area;
- (3) is under the same common ownership or has been placed under the control of a promotional association; and
- (4) is zoned C-1 Commercial District.

(b) The City Council may impose additional Entertainment District Permit requirements or restrictions on the real property or operation of business in the Entertainment District to include, without limited to boundaries, barriers, access, design, types of business and uses, hours of operation, and types of events.

(c) The City Clerk is authorized to issue an Entertainment District Permit upon satisfaction of the following:

- (1) The City Council, by resolution, has designated the area of real property as an Entertainment District and has granted the City Clerk the authority to issue an Entertainment District Permit;
- (2) The City Clerk has received payment of the Entertainment District application fee and the Entertainment District Permit fee; and
- (3) The applicant has provided satisfactory documentation to the City Clerk that all requirements or restrictions imposed by the City Council or this Chapter, have been met.

(d) The City Council may amend, suspend, revoke, or may elect not to approve any subsequent renewal application for an Entertainment District designation and issuance of an Entertainment District Permit, if the City Council determines that:

- (1) The Entertainment District and/or Commons Area:
 - (i) Does not meet or has not met the requirements or restrictions under this Chapter, or the terms and conditions of the Entertainment District Permit previously issued by the Clerk;
 - (ii) Is or has been a threat to the health, safety, and/or welfare of the public; and/or
 - (iii) Is or has been a common nuisance; or
- (2) Information in the application is found to be false, misleading, and/or fraudulent.

(e) The City Council may grant the City Clerk authority to extend the City Council's Entertainment District designation without requiring a renewal application to be submitted to and approved by the City Council, as provided by this Chapter, if the permittee continues to be the same property owner or the same promotional association and the permit has not been suspended or revoked for reasons set forth in this Chapter. However, the permittee must appear before the City Council once every six (6) years after the permit has been issued.

(f) The City Council's designation of an area of real property as an Entertainment District shall immediately terminate upon the date of expiration, suspension, or revocation of the Entertainment District Permit.

Sec. 4-10. Commons Area, design requirements.

(a) A Commons area within an Entertainment District shall be an outdoor area not less than 4,500 square feet in size, be located on real property, and closed to vehicular traffic when used as a Commons Area. A Commons Area may be extended onto property owned by the City of Alliance if approved by the City Council.

(b) A Commons Area shall have limited pedestrian accessibility by the use of a fence or other barrier that is sufficient to provide limited or close access and is either permanent or semi-permanent, and is a minimum of 36 inches tall. Entrances and exits located on the real property shall not exceed sixteen (16) feet in width and shall be designed with the ability to reduce or close access. The number and size of entrances and exits shall be approved by the City Council, and may vary between Entertainment Districts.

(c) A Commons Area shall be used as a place for outdoor dining and entertainment events.

(d) The City Council may impose additional requirements or restrictions upon the Commons Area to include, but not be limited to, boundaries, barriers, access, design, types of businesses and uses, hours of operation and events.

Sec. 4-11. Entertainment District designation and Entertainment District permit; application.

(a) An application for an Entertainment District designation and Entertainment District permit shall be made and executed under oath by the owner of the real property or by a member or members of a Promotional Association if the real property is owned by two or more persons, not under common ownership and the Promotional Association has been granted written authority to use the real property for such a purpose.

(b) An application for an Entertainment District designation and Entertainment District Permit shall be submitted to the City Clerk along with a nonrefundable application fee of \$100.00 and shall include:

- (i) A drawing showing the real property and location of all buildings, sidewalks, streets, proposed Commons Area, barriers, and location and distance to the Entertainment Venue; and
- (ii) A copy of a written notice to the neighboring property owner(s) of the application for designation of an Entertainment District and evidence of receipt of such notice by the neighboring property owners. At a minimum, the notice shall provide the applicants contact information and the drawing referred to in (i) above; and
- (iii) Any other information required by the City of Alliance on forms provided by the City Clerk.

(c) Upon receipt of the completed application and application fee, the City Clerk shall forward the application to the City Council, and the City Clerk shall schedule the application on the City Council agenda for approval or denial of designation and authority to issue an Entertainment District Permit.

(d) An Entertainment District designation and Entertainment District Permit shall not become effective until an Entertainment District Permit fee of \$100.00 has been paid to the City Clerk. The permit fee shall not be refundable. The applicant shall have sixty (60) days from the date of the City Council's approval to make such payment, or the application shall be deemed withdrawn by the applicant.

Sec. 4-12. Entertainment District designation and Entertainment District permit; additional terms.

(a) The permittee shall have a continuous duty to provide written notification to the City Clerk of any change of ownership of the real property within the Entertainment District or legal status of the Promotional Association at least thirty (30) days prior to the effective date of the change.

(b) An Entertainment District designation and Entertainment District Permit shall be valid for a period of six (6) years from the date of issuance of the Entertainment District Permit by the City Clerk except if the Entertainment District Permit is revoked for cause by the City Council, the designation or permit shall expire immediately.

(c) The City of Alliance may conduct investigations, reviews and/or hearings related to the Entertainment District Designation and/or Entertainment District Permit.

(d) A permittee who fails to renew the Entertainment District Permit before the expiration date shall be considered to be operating without a valid designation and permit. Alcoholic liquor shall be unlawful in any area previously designated as a Commons Area unless proper licenses and/or permits are obtained. Failure to prohibit alcoholic liquor in the area previously designated in a Commons Area will result in immediate closure of the area by the City of Alliance or other appropriate law enforcement action determined by the City of Alliance.

(e) At all times, the real property contained within the boundaries of the Entertainment District shall be in compliance with federal, state and local laws including but not limited to zoning, fire prevention, building, plumbing and electrical.

(f) It shall be unlawful for permittee and/or the owner of the real property contained in the boundaries of the Entertainment District to violate any of the conditions and restrictions contained in this Chapter or the Entertainment District permit.

Sec. 4-13. Entertainment District designation and permit; modifications.

(a) Prior to commencing any exterior building or Commons Area modifications, additions or demolition, the permittee shall make application under oath for approval of the changes on forms provided by the City Clerk and shall include:

- (i) A drawing reflecting any proposed changes to the buildings, sidewalks, streets, Commons Area, or barriers.
- (ii) A copy of written notices provided by the permittee to neighboring property owners. The permittee shall provide a written notice along with the permittee's contact information and a drawing showing proposed changes as set forth in (i) above. Evidence of receipt of the notice by the neighboring property owners shall be included with the application.

(b) The City Clerk shall forward the application to the City Council who shall issue an amended Entertainment District Permit to reflect the permittee's changes, except where:

- (i) The permittee is requesting to increase the size or location of the Commons Area, entrances/exits of the Commons Area, or to increase the boundaries of the Entertainment District;
- (ii) A neighboring property owner objects to the permittee's proposed changes, in which event the City Clerk shall schedule the application on the City Council agenda and forward the application to the City Council for approval or denial, and authority to issue an amended Entertainment District Permit.

Sec. 4-14. Entertainment District designation and permit; renewals.

(a) No earlier than six (6) months and no later than sixty (60) days prior to the expiration of the designation of the Entertainment District Permit, permittee may apply for a renewal of the Entertainment District designation and issuance of a new permit. Any renewal application received outside of these time requirements will either be returned to the permittee or treated as a new application.

(b) A renewal application for the Entertainment District designation and issuance of a new Entertainment District permit shall be made under oath on a form provided by the City Clerk and in the same manner prescribed for the original application. A renewal application and application fee of \$100.00 shall be submitted to the City Clerk. The application fee is not refundable. The renewal application shall also include:

- (i) A detailed summary of the complaints received by the permittee. Unless otherwise specified by the City of Alliance, the summary shall be for at least a two (2) year period to the date of the renewal application;
- (ii) A list of events held in the Commons Area over the past two (2) years;
- (iii) A copy of a written notice to the neighboring property owners of the application for designation of an Entertainment District and evidence of receipt of such notice by the neighboring property owners. At a minimum, the notice shall provide the applicant's contact information and a drawing of the proposed Entertainment District showing location of buildings and any proposed Commons Area.

(c) The City Clerk shall forward the application to the City Council for review and decision. If previously authorized by the City Council, the City Clerk may extend the City Council's Entertainment District designation for a period of six (6) years and issue a new Entertainment District Permit. Otherwise, the City Clerk shall schedule the application on the City Council agenda for approval or denial of designation and authority to issue a new Entertainment District Permit.

(d) A permit fee of \$100.00 for the new Entertainment District Permit shall be paid within fifteen (15) business days following the City Clerk's or City Council's approval, or the renewal application shall be deemed withdrawn by the permittee. The permit fee shall not be refundable. The effective date of the renewal designation in the new Entertainment District Permit shall be the date following the expiration of the previous designation and permit.

Sec. 4-15. Definitions.

Commons Area shall mean an area: (a) within the Entertainment District designated by the local governing body, (b) shared by authorized licensees with Entertainment District licenses; (c) abutting the licensed premises of such licensees; (d) having limited pedestrian accessibility by use of a physical barrier, either on a permanent or temporary basis; (e) closed to vehicular traffic when used as a Commons Area.

Commons Area may included any area with a public right-of-way if the area otherwise meets the requirements of this Chapter.

Entertainment District shall mean an area of real property designated and permitted by the City Council pursuant to this Chapter whereby the Nebraska Liquor Control Commission may issue an annual Entertainment District license pursuant to the Nebraska Liquor Control Act to allow retail licenses, craft brewery, licensees, and/or micro distillery licensees to share in the use of one or more Commons Areas.

Entertainment Venue shall mean a real property open to the public to view or participate in live arts or theatrical performances, concerts or other live entertainment events. An Entertainment Venue shall not be a residence, hotel or other lodging facility, a facility primarily used for private events, school, a movie theater, or other similar facility or business where live entertainment is not the primary focus.

Promotional Association shall mean an association legally formed pursuant to the laws of the State of Nebraska which is organized for the purpose of applying for and maintaining an Entertainment District Designation and Permit. The Promotional Association must have authority to manage and control Commons Area where liquor licenses may be issued and any events that occur within the Commons Area, or events requiring a Special Event Permit or Special Designated Liquor License.”

SECTION 2. All other ordinances or parts of ordinances in conflict herewith are repealed. Provided, however, this ordinance shall not be construed to effect any rights, liabilities, duties or causes of action, either criminal or civil, existing or actions pending at the time this ordinance becomes effective.

SECTION 3. This Ordinance shall become effective upon its passage and approval and publication shall be in pamphlet form.

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 second 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 Councilman Jones, seconded by Councilman Seiler to approve the second 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 second reading of Ordinance No. 2798 with the following results:

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

Voting Nay: None.

Motion carried.

- The second reading of 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. 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
Other Previously Considered 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 Korber-Gonzalez, seconded by Councilman Feldges to approve the second reading of Ordinance No. 2799 which City Clerk Jines read by title.

Motion by Councilman Jones, seconded by Councilman Feldges to suspend the statutory rule requiring three separate readings of Ordinance No. 2799.

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.

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 Ordinance No. 2799 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. 2799 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The next matter before Council was a Public Hearing on the City of Alliance Street Improvement One and Six Year Plans.

Mayor Yeager 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

City of Alliance One and Six Year Street Improvement Plans and opened the public hearing at 7:46 p.m.

Jeff Wolfe, Associate with M.C. Schaff and Associates, was in attendance and presented and reviewed the proposed plans with Council. No other individuals from the public provided any additional input.

Council questioned the feasibility of moving the eight top projects from the Six Year Plan to the One Year Plan and to look at the potential of bonding to finance the improvements in order to get them completed and possibly get a better volume based price. Mr. Wolfe stated there would be no harm in doing so, as there is not a penalty if not all of the projects are completed.

Following the presentation Councilman Feldges requested that the east end of 21st Street between Box Butte Avenue and Gretchen Court be added to the One Year Plan.

Mr. Wolfe stated he would make the proposed changes within the plans.

Hearing no further testimony, the Public Hearing closed at 8:08 p.m. The following is a summary of the One and Six Year Plans with the proposed changes recommended by City Council.

GENERAL

The City of Alliance revised the 1-Yr 2015 Street Plan (August 4th, 2015) to include project M-108(180). The City completed this project during the 2015 calendar year.

The City of Alliance was unable to complete projects M-108(159), M-108(163), M-108(189), M-108(167), M-107(173), M-108(174), M-108(175), M-108(176), and M-108(177) during the 2015 calendar year.

The City proposes to continue work on projects M-108(159), M-108(163), M-108(189), M-108(167), M-107(173), M-108(174), M-108(175), M-108(176), and M-108(177) during the 2016 calendar year. The City also proposes to complete projects M-108(158), M-108(178), M-108(181), M-108(182), M-108(183), M-108(184), M-108(190), M-108(191), M-108(192), M-108(193), M-108(194), M-108(195), and M-108(196) during the 2016 calendar year.

Completion of these projects is contingent upon the City obtaining financial bonding revenues.

The City of Alliance did perform normal maintenance on streets during the 2015 calendar year.

ONE YEAR PLAN

<u>Priority (Staff)</u>	<u>Project #</u>	<u>Description</u>	<u>Estimated Cost</u>
NDOR Project	M-108(159)	10 th Street from Box Butte Avenue to Flack Avenue 10 th Street	\$2,677,500

		Meadowood Trail from Sweetwater Avenue to Meadowlark Avenue	(\$535,000 City)
NDOR Project	M-108(163)	Box Butte Avenue Historic Lighting and Streetscape from 3 rd Street to 5 th Street	\$723,000 (\$579,400 City)
NDOR Project	M-108(189)	US Hwy 385 from Kansas Street to 3 rd Street	\$2,500,000 (\$500,000 City)
Simon Contract	M-108(167)	18 th Street from Emerson Avenue to 200-ft west of Big Horn Avenue	\$50,000
Simon Contract	M-108(173)	18 th Terrace Place	\$50,000
Simon Contract	M-108(174)	Black Hills Court Cul-de-sac	\$50,000
Simon Contract	M-108(175)	Platte Avenue from 18 th Street to 16 th Street	\$50,000
Simon Contract	M-108(177)	East 3 rd Street, Flack Avenue to Elkhorn Avenue	\$150,000
Simon Contract	M-108(184)	6 th Street from Ramblin Road to Buffalo Ave	\$50,000
1	M-108(182)	Laramie Avenue from 4 th Street to 10 th Street	\$205,000
2	M-108(183)	Mississippi Avenue from 2 nd Street to 10 th Street	\$250,000
3	M-108(176)	West 3 rd Street, 150-ft E/W of Railroad Underpass	\$105,000
4	M-108(181)	4 th Street from Emerson Avenue to Box Butte Avenue	\$180,000
5	M-108(194)	21 st Street from Box Butte Avenue 600-ft West	\$75,000
6	M-108(196)	Buchfinck Avenue from 14 th Street to 16 th Street	\$75,000

7	M-108(195)	2 nd Street from Potash Avenue to Niobrara Avenue	\$205,000
8	M-108(158)	Emerson Avenue from 25 th Street to 31 st Street	\$200,000
9	M-108(190)	18 th Street from Colorado Avenue to Emerson Avenue	\$50,000
10	M-108(191)	Sweetwater Avenue from 4 th Street to 8 th Street	\$125,000
11	M-108(192)	Niobrara Avenue from 3 rd Street to 10 th Street	\$210,000
12	M-108(193)	Yellowstone Avenue from 4 th Street to 8 th Street	\$75,000
13	M-108(178)	Intersection of 18 th Street and Box Butte Avenue	\$150,000

SUMMARY OF ONE YEAR PLAN COSTS

NDOR Projects	\$5,900,000	(City Share = \$1,614,400)
Simon Contract	\$350,000	
Remaining Projects	\$1,905,000	

SIX YEAR PLAN

<u>Priority (Staff)</u>	<u>Project #</u>	<u>Description</u>	<u>Estimated Cost</u>	<u>Funding Year</u>
1	M-108(168)	16 th Street from Buchfinck Avenue to Platte Avenue	\$1,000,000	2019
2	M-108(164)	Sweetwater Avenue from 18 th Street to 25 th Street	\$1,200,000	2020
3	M-108(166)	3 rd Street/Neb. Hwy 2 from Howard Avenue to Elkhorn Avenue NDOR Project #NH-2-1(123)	\$1,357,000 (\$271,400 City)	NDOR Project
4	M-108(115)	3 rd Street/Neb. Hwy 2 from Black		

Hills Avenue to Howard Avenue NDOR Project #NH-2-1(115)	\$5,443,000 (\$544,300 City)	NDOR Project
--	---------------------------------	-----------------

SUMMARY OF SIX YEAR PLAN COSTS

2019	\$1,000,000
2020	\$1,200,000
NDOR Projects \$6,800,000	(City Share = \$815,700)

A motion was made by Councilman Feldges, seconded by Councilman Jones to approve Resolution No. 16-41 which follows in its entirety:

RESOLUTION NO. 16-41

WHEREAS, The Nebraska law requires that the City of Alliance develop and file with the Board of Public Roads Classifications and Standards, a long range six year plan of highway, road and street improvements; and

WHEREAS, Such plan must be extended annually on or before the anniversary date; and

WHEREAS, City staff has prepared a One and Six Year Plan to meet these legal requirements; and

WHEREAS, The City published and held a public hearing on March 15, 2016; and

WHEREAS, The plan was submitted to Council and examined by the City Council at a regular meeting conducted on March 15, 2016; and

WHEREAS, Council believes the plan is appropriate and should be approved.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the One and Six Year City Street Improvement Plan prepared by the City of Alliance Street Department is hereby approved and the City staff is authorized to forward the Plan to the Board of Public Roads Classifications and Standards.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda items were Resolution Nos. 16-29 through 16-34 which authorizes the purchase of new vehicles for various City of Alliance Departments. Council was provided with the following information with each Resolution to follow.

[The City of Alliance released ITB No. 0171-16-02 on February 1, 2016 for the purchase of a utility work cart with full cab and heater. The City staff sent packets to three local vendors and received one response to that invitation to bid. The bid was opened at the Knight Museum and Sandhills Center on February 18, 2016 at 2:00 p.m.

21st Century Equipment of Alliance, NE submitted a bid for \$23,500 for John Deere XUV 825i. This bid included all necessary attachments and options including a cab with heater to allow staff to use this equipment for snow removal. The old work cart is experiencing electrical issues and will be sold at auction.

The bid price is \$500 over what was included in the 2016 budget. A transfer of \$500 is requested from the Parks operating budget NRCNTSVC-Other Machinery and Equipment (GL# 01-71-71-44-489) to the Parks Capital Outlay-Machinery and Equipment (GL# 01-71-71-59-950) to cover the shortfall.]

RESOLUTION NO. 16-29

WHEREAS, The City of Alliance Parks Department has an immediate need to replace a utility work cart with full cab and heater; and

WHEREAS, An Invitation to Bid No. 0171-16-02 was issued; and

WHEREAS, Three invitations to bid were issued and one response was received; and

WHEREAS, The bid of 21st Century Equipment of Alliance, NE for a John Deere XUV825i in the amount of \$23,500 was received and included all necessary attachments; and

WHEREAS, A transfer of \$500 from the Parks operating budget NRCNTSVC-Other Machinery and Equipment Account No. 01-71-71-44-489 to the Parks Capital Outlay-Machinery and Equipment Account No. 01-71-71-59-950 will be required to complete the purchase.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that City Manager Cox be and hereby is authorized to enter into a purchase agreement with 21st Century Equipment for a John Deere XUV825i in the amount of Twenty-three Thousand Five Hundred and no/100th Dollars (\$23,500).

BE IT FURTHER RESOLVED that the City Council is authorizing a transfer of \$500 from the Parks operating budget NRCNTSVC-Other Machinery and Equipment Account No. 01-71-71-44-489 to the Parks Capital Outlay-Machinery and Equipment Account No. 01-71-71-59-950 to complete this purchase.

[The Electric Department has a 2006 Ford F-550 (unit 400) that is scheduled in the 2015-16 capital budget for replacement. This truck has 50,871 miles and 4,495 hours. The proposed truck is a Ford F-550 4x4 and the following three quotes were collected:

Vendor	Description	Bid
Altec Industries Inc.	Altec AT40M/P on a F550 4x4 super crew XLT	\$123,174
National Joint Powers Alliance	Altec AT40M/P on a F550 4x4 super crew XLT	\$120,440
National Joint Powers Alliance	Terex LTM40 on a F550 4x4 straight cab	\$121,663
Terex Industries	Terex LTM40 on a F550 4x4 straight cab	No bid

Electric Superintendent Ed Tvrs has recommended the purchase of a 2016 Altec AT40M/P bucket on a Ford F-550 4x4 XLT chassis for the amount of \$120,440 from National Joint Powers Alliance (NJPA). This price is \$24,560 under the budgeted amount of \$145,000. Funding for the vehicle is authorized in the 2015-16 budget under Capital Outlay-Vehicles (GL# 05-51-53-59-960). The old bucket truck will not be traded but rather will be sold at auction.]

RESOLUTION NO. 16-30

WHEREAS, The City of Alliance Electric Department has the need to replace our 2006 Ford F-550 Bucket Truck; and

WHEREAS, Three quotes were received for this replacement; and

WHEREAS, Staff is recommending the purchase of an Altec AT40M/P on a F-550 4x4 super crew XLT in the amount of One Hundred Twenty Thousand Four Hundred Forty and no/100ths (\$120,440) from National Joint Powers Alliance; and

WHEREAS, Adequate funding is available for this purchase from the Electric Capital Outlay-Vehicles Account No. 05-51-53-59-960.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that City Manager Cox be and hereby is authorized to enter into a purchase agreement with National Joint Powers Alliance for an Altec AT40M/P on a F-550 4x4 super crew XLT in the amount of One Hundred Twenty Thousand Four Hundred Forty and no/100ths (\$120,440).

[The Electric Department has a 2004 Ford F-250 (unit 406) with 163,154 miles and a 2005 Dodge 1500 (unit 408) with 94,413 miles. Both trucks will be replaced with one decreasing the fleet size by one. The approved capital budget included funding for the purchase of a new pickup. This will be a ¾ ton 4x4 pickup with a snowblade package. Staff has collected bids as indicated below.

Vendor	Description	Bid
Nebraska State Purchasing Contract	2016 Ford F-250 Super Cab 4x4 w/service box	\$45,433
Cover-Jones Motor Company Quote	2016 Ford F-250 Super Cab 4x4 w/service box	\$43,822

Electric Superintendent Ed Tvrs has recommended the purchase of a 2016 Ford F-250 XLT Super Cab 4x4 with a snow blade package in the amount of \$43,822 from Cover-Jones Motor Co. of Alliance, NE. This truck will be shipped to Hastings, NE where the service box and snow blade will be attached.

Funding authority for the vehicle was budgeted at \$45,000 under Capital Outlay-Vehicles (GL #05-51-53-59-960). The old pickups will not be traded rather they will either be moved to another department or sold at auction.]

RESOLUTION NO. 16-31

WHEREAS, The City of Alliance Electric Department is desiring to replace our 2004 Ford F-250 and our 2005 Dodge 1500 with one new 2016 Ford F-250 Super Cab 4x4 w/service box; and

WHEREAS, Two quotes were received for this replacement; and

WHEREAS, Staff is recommending the purchase of a 2016 Ford F-250 Super Cab 4x4 w/service box from Cover-Jones Motor Company, the low quote in the amount of Forty-three Thousand Eight Hundred Twenty-two and no/100th Dollars (\$43,822) and

WHEREAS, Adequate funding is available for this purchase from the Electric Capital Outlay-Vehicles Account No. 05-51-53-59-960.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that City Manager Cox be and hereby is authorized to enter into a purchase agreement with Cover-Jones Motor Company in the amount of Forty-three Thousand Eight Hundred Twenty-two and no/100th Dollars (\$43,822).

[The pickup (unit 903) at the Street Department is a 1995 GMC C1500 with 91,625 miles. The approved 2015-16 capital budget included funding for the replacement of the vehicle. Staff has collected quotes from the Nebraska State Purchasing Bureau and National Joint Powers Alliance as well as Cover-Jones vendors as indicated below.

Vendor	Description	Bid
Cover-Jones Motor Company Quote	2016 Ford F-250 XL 4x4 with 8' snowplow	\$36,270
Nebraska State Purchasing Contract	2016 Ford F-250 XL 4x4 with 8' snowplow	\$36,311
National Joint Powers Alliance	2016 Ford F-250 XL 4x4 with 8' snowplow	\$40,280

Street Department Superintendant Terry Jensen is recommending the purchase of a 2016 Ford F-250 XL 4 x 4 with 8' snowplow from Cover-Jones Motor Company in the amount of \$36,270. The vehicle would be dropped shipped to Hastings, NE with staff driving it from there. The addition of the snow plow is to assist with snow removal.

Authorized funding for a vehicle in the amount of \$40,000 is included in Capital Outlay-Vehicles (GL# 24-41-41-59-960). The old pickup will not be traded, but rather sold on the next City auction.]

RESOLUTION NO. 16-32

WHEREAS, The City of Alliance Street Department is desiring to replace a 1995 GMC C1500 pickup; and

WHEREAS, Three quotes were received for this replacement; and

WHEREAS, Staff is recommending the purchase of a 2016 Ford F-250 XL 4x4 with 8' snowplow from Cover Jones Motor Company, Alliance, Nebraska, in the amount of Thirty-six Thousand Two Hundred Seventy and no/100th Dollars (\$36,270); and

WHEREAS, Adequate funding is available for this purchase from the Street Capital Outlay-Vehicles Account No. 24-41-41-59-960.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that City Manager Cox be and hereby is authorized to enter into a purchase agreement with Cover Jones Motor Company, Alliance, Nebraska, in the amount of Thirty-six Thousand Two Hundred Seventy and no/100th Dollars (\$36,270).

[The pickup at the Sewer Department is a 2004 Chevy C-1500 Extended Cab with 143,109 miles. The approved 2015-16 capital budget included funding for the purchase of a replacement vehicle. The proposed vehicle is a 4x4 ¾-ton pickup with snow blade package. Staff has collected quotes from the Nebraska State Purchasing Bureau as well as Cover-Jones as indicated below.

Vendor	Description	Bid
Nebraska State Purchasing Contract	2016 Ford F-250 XLT Super Cab 4x4	\$36,619
Cover-Jones Motor Company Quote	2016 Ford F-250 XLT Super Cab 4x4	\$36,999

Water-Sewer Department Head Earl Winter has recommended the purchase of a 2016 Ford F-250 XLT Super Cab 4 x 4 with snow blade package in the amount of \$36,619 from the Nebraska State Purchasing Contract. The Nebraska State contracted dealer is Sid Dillon of Hastings, NE. This vehicle would be drop-shipped direct to City. This pickup will be used to pull a variety of trailers, as needed, along with snow removal.

Funding for the vehicle is authorized in the approved budget at \$35,000 under (GL# 07-52-58-59-960). The addition of the snow plow will require a transfer of \$1,700 from the Sewer Contingency (GL# 07-52-58-47-791). The old pickup will not be traded, but rather transferred to Parks.]

RESOLUTION NO. 16-33

WHEREAS, The City of Alliance Sewer Department is desiring to replace a 2004 Chevy C-1500 extended cab pickup; and

WHEREAS, Two quotes were received for this replacement; and

WHEREAS, Staff is recommending the purchase of a 2016 Ford F-250 XLT Super Cab 4x4 with a snow blade package from the Nebraska State Purchasing Contract with Sid Dillon Ford of Hastings, NE, in the amount of Thirty-six Thousand Six Hundred Nineteen and no/100th Dollars (\$36,619); and

WHEREAS, A transfer of \$1,700 from the Sewer Contingency Fund Account No. 07-52-58-47-791 to the Sewer Capital Outlay-Vehicles Account No. 07-52-58-59-960 will be required to complete the purchase.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that City Manager Cox be and hereby is authorized to enter into a purchase agreement with Sid Dillon Ford in the amount of Thirty-six Thousand Six Hundred Nineteen and no/100th Dollars (\$36,619).

BE IT FURTHER RESOLVED that the City Council is authorizing a transfer of \$1,700 from the Sewer Contingency Fund Account No. 07-52-58-47-791 to the Sewer Capital Outlay-Vehicles Account No. 07-52-58-59-960 will be required to complete the purchase.

[The Street Department has budgeted to replace one dump truck in the fiscal year 2015-2016. The truck being replaced is unit 917, a 1990 International. This was a back-up vehicle when the City purchased unit 912. The proposed new truck is a

2017 Freightliner. Quotes were received from the National Joint Powers Alliance as well as Floyd's Sales & Service of Scottsbluff, NE.

Vendor	Description	Bid
National Joint Powers Alliance	2017 Freightliner	\$138,912.75
Floyd's Sales & Service	2017 Freightliner	\$129,900.00

Street Department Superintendent Terry Jensen has recommended the purchase of a 2017 Freightliner dump truck for \$129,900 from Floyd's Sales & Service, Inc. of Scottsbluff, NE

Authorized funding for the vehicle in the budgeted amount of \$150,000 is included in Capital Outlay-Vehicles (GL 24-41-41-59-960). The old dump truck will not be traded and will possibly be kept by the Street Department as it does have an attached snow plow.]

RESOLUTION NO. 16-34

WHEREAS, The City of Alliance Street Department is desiring to replace a 1990 International Dump Truck; and

WHEREAS, Two quotes were received for this replacement; and

WHEREAS, Staff is recommending the purchase of a 2017 Freightliner from Floyd's Sales & Service of Scottsbluff, Nebraska in the amount of One Hundred Twenty-nine Thousand Nine Hundred and no/100th Dollars (\$129,900); and

WHEREAS, Adequate funding is available for this purchase from the Street Capital Outlay-Vehicles Account No. 24-41-41-59-960.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that City Manager Cox be and hereby is authorized to enter into a purchase agreement with Floyd's Sales & Service of Scottsbluff, Nebraska in the amount of One Hundred Twenty-nine Thousand Nine Hundred and no/100th Dollars (\$129,900).

A motion by Councilman Seiler was made to approve Resolution Nos. 16-29 through 16-34. The motion was seconded by Councilman Korber-Gonzalez.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 16-42 awarding the City of Alliance Motor Fuel Purchase to Maverik was the next agenda item. Council was provided with the following information:

[The City of Alliance has purchased most of its motor fuels from Westco for a number of years. The last time that the motor fuels were bid was in 1996 with the resulting agreement allowing a two cent discount per gallon off posted prices. The agreement was for three years with two optional annual renewals; however, the discount has been continued to this date. In the most recent year, the City purchased approximately 27,000 gallons of unleaded fuel and 16,000 gallons of diesel.

A Request for Proposal (RFP 2121-16-01) for the purchase of motor fuels (unleaded gasoline and diesel) was issued February 11, 2016 and telephone contact made with all six retail station owners. Bid packets were provided to three retail station contacts. Below is a bid tab summarizing the details from the two bids received from Westco and Maverik which were opened February 29, 2016 at the Municipal Building.

Bidder	Offeror	Locations	All Grades	Discount	Term	Cards	Fuel Tax	Comments
1	Maverik	1	Yes	8 cents	2 Year	Yes	Refunded	WEX Card for Travel
2	Westco	4	Yes	5 cents	3 Year	Yes	Deducted	Req. Gasoline and Diesel

In addition to the larger discount, Maverik offers a more robust online accounting program for cards that are dedicated to vehicles with individual driver identification. The City staff will be able to maintain the database for the cards with extensive reporting capabilities available. The Maverik card also doubles as a travel card that is accepted at more than 180,000 WEX stations nationwide. (The discount applies only to Maverik purchases.) The Maverik arrangement would offer fewer local stations and require the City to file for the refund of Federal and State gas taxes. As a side note, all local stations accept WEX cards. Westco and Maverik posted prices were identical on several recent dates.

The City would continue to arrange bulk fuel purchase for delivery through Westco at full retail price as they are at this time.]

Council discussed potential contract issues that appear to be an issue with Maverik. One of the concerns is with the binding arbitration stipulation. City Attorney Olson strongly recommends against a binding arbitration clause. Council also expressed concern with the amount of travel and costs associated the availability of only one station within the community.

A motion was made by Mayor Yeager, seconded by Councilman Jones to approve Resolution No. 16-42 which follows in its entirety:

RESOLUTION NO. 16-42

WHEREAS, The City of Alliance issued a Request for Proposals for the Purchase of Motor Fuels pursuant to Bid Number 2121-16-01; and

WHEREAS, Two (2) responses were received to the Invitation; and

WHEREAS, Maverik, Inc. of Alliance, Nebraska appears to be the lowest, responsive and responsible bid providing for an \$0.08 per gallon discount on the posted price for motor fuels.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign the contract for Bid Number 2121-16-01 awarding to Maverik, Inc. of Alliance, Nebraska for an \$0.08 per gallon discount on the posted price for motor fuels.

Roll call vote with the following results:

Voting Aye: None.

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

Motion failed.

Council instructed staff to work with Westco in securing fuel services.

- The final agenda items were board appointments and resignations.

A motion was made by Councilman Jones, seconded by Councilman Korber-Gonzalez to accept the resignation of James Joule from the Alliance Park and Tree Board.

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 Feldges to appoint Dr. Jessica Ott to the Board of Health as the medical representative.

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 Feldges to appoint Rosa Vasquez to the Police Advisory Board as the Hispanic representative.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

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 Park and Tree Board, and one vacancy on the Planning Commission. 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 8:54 p.m."

(SEAL)



Ralph Yeager, Mayor



Linda S. Jines, City Clerk