

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, MAY 17, 2016

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

The Alliance City Council met in a Regular Meeting, May 17, 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 May 10, 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 May 17, 2016 Regular Meeting of the Alliance, Nebraska City Council at 9:00 a.m. Present were Mayor Yeager and Council Members Feldges, Korber-Gonzalez and Seiler. Also present were City Manager Cox, Assistant City Manager/Finance Director Waggener, City Attorney Olsen and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
- The first item of business before the City Council was to excuse the absence of Councilman Jones as he is out of town. A motion was made by Councilman Feldges, seconded by Councilman Seiler to excuse Councilman Jones.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- The Consent Calendar was the next matter for Council’s consideration.

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

CONSENT CALENDAR – MAY 17, 2016

1. Approval: Minutes of the Regular Meeting, May 3, 2016 and the Special Meeting May 10, 2016.
2. Approval: Payroll and Employer Taxes for the period April 23, 2016 through May 6, 2016 inclusive: \$185,681.13 and \$13,114.10 respectively.
3. Approval: Claims against the following funds for the period April 27, 2016 through May 10, 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; \$376,760.51.
4. Approval: A Capital Transfer for the Police Department in the amount of \$6,400 for additional media storage space on the evidence computer. The funds will be transferred from the Parking Lot Improvements capital line item.
5. Approval: Update the roster of the Alliance Volunteer Fire Department by removing Rachelle Sutton.
6. Approval: The issuance of the following Contractor Licenses:

General Contractor	Peltz Construction, Inc.
Repair & Maintenance	Josh Simmons dba Dead On Steel Erectors
Limited and Specialty	Monte Hankins dba Panhandle Gutter & Siding
Master HVAC	Jerad Wilson dba Z & S Sheet Metal
Gas Fitter	Jerad Wilson dba Z & S Sheet Metal
Groundwork	Alan Koozer dba Koozer Construction
7. Acceptance: The Senior Center has been offered a Midland Weather Alert Radio with an approximate value of \$50.00. The donors of this gift desire to remain anonymous.
8. Approval: The *Special Events Request for Use of Public Facilities, Parks, Streets* of the Alliance Jaycees to conduct their Annual Fireworks Display for the community. The event will be held on July 4, 2016 with a rain date of July 5, 2016 at Laing Lake. A Certificate of Insurance has been provided naming the City of Alliance and additional insured.
9. Approval: *The Request for Reserved or Exclusive Use of City Streets* of the Cattle Capital Shrine Club for the closure of 14th Street between Box Butte and Sweetwater Avenues starting at 7:00 a.m. Sunday, June 12th and ending at midnight. The Club will be hosting their annual circus and the street will be used to unload & load the circus and to house animals. Street access will be available for emergency vehicles only.

10. Approval: Resolution No. 16-63 approving the Airport Ground Maintenance Lease with Ben Janssen.
11. Approval: Resolution No. 16-64 authorizing the use of \$15,000 from the City Council Contingency Fund and \$10,000 from the Street Contingency Fund. These funds will pay for the April 30th Snow Storm damage clean-up. Most of the clean-up expenses were a result of tree trimming and removal services which totaled just over \$30,000. The use of Council Contingency will supplement the tree removal budget within the Parks Department.

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 vote with the following results:

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

Voting Nay: None.

Motion carried.

- A presentation and discussion of the Airport Water Study Report was the next item before the City Council. Mr. Mike Olson of M.C. Schaff & Associates made the presentation. City Council was provided the following background information:

[M.C. Schaff & Associates will be in attendance to discuss the recently completed water study.

Key to their study, the engineers incorporated information on the history and operation of the water system at the City and Airport from two previous studies into their analysis of current and future water needs at the Airport.

A primary concern of the Airport is the current supply of water as it is at capacity. Of further concern is the lack of adequate water supply is a limitation on further development. If the Airport adds any more activities or businesses that require water, the water pressure delivered to the current places of business would be jeopardized. For example, recently we had the opportunity to add two aerial sprayers just this season and could not do so due to lack of water. Fortunately, one of these companies nevertheless still chose to use the Airport and is hauling the needed water. Water supply for fire suppression at the Airport is also inadequate. The Airport purchased a larger ARFF truck due to the lack of water and when the fire station was built for the truck, it necessitated that a tank be buried for the sprinkler system required for that building. If there were a fire

situation in the Airport area, the fire department and/or the SEAT base operations would be required to shuttle water from several miles away.

Enhancement of water supply at the Airport is a must in order to remain viable and safe. The study was the first step for the City of Alliance in moving towards that goal. Staff would like the process to continue. Development at airports is competitive and staff is concerned that finding companies to wait until water enhancements can be made is highly unlikely. The Airport needs to have the infrastructure in place to be successful in recruiting development opportunities.

For these reasons, staff is hopeful that a solution can be selected and the project can be "shovel-ready" for when a new development is ready to occur. We can also use this as a selling tool for our Airport as well.]

Mr. Olson informed the Council that their firm had reviewed the two previous studies completed by Baker & Associates and Olsson & Associates regarding the water situation at the Airport. The new report provides three alternatives for Council's consideration:

1. Do Nothing/Modify Existing System
2. Connect to the City's System via Transmission Main
3. Develop New Water Source at the Airport

Mr. Olson explained that should Alternative 2 be selected, once the transmission main is installed the necessary storage and well need to be completed at about the same time. Mr. Olson believes a larger main and lines would promote development at the airport and the necessary fire suppression needs. He also stated that water projects usually cannot be shelf ready as they need to be constructed with State approvals along the way. The design phase can take approximately one year with State approvals as part of the process. Construction will be an additional year.

Council made an inquiry regarding the moratorium on new wells. Mr. Olson stated if necessary they had some ideas for negotiation with the Natural Resource District (NRD). Council also asked about the cost differences in above ground and underground water storage. Basically there is less capital involved in underground storage; however the operational and maintenance costs are higher.

Based on the Study, Mr. Olson is recommending Alternative 2 – Connecting to the City's System via Transmission Main to the City Council. The estimated cost for the transmission line is \$1.5 million. Council asked Airport Manager Placek her opinion. Ms. Placek stated she would defer to our Water/Sewer Superintendent Winter for technical advice; however she needs water in order to bring anything new to the Airport.

Council took no formal action on this Report, but did request additional information from M.C. Schaff & Associates.

- The first reading of Ordinance No. 2802 amending the Alliance Municipal Code regarding the Civil Service Commission was the next item before Council. The following background information was provided to Council.

[On October 24, 1985, City Council adopted Ordinance No. 1855 incorporating the Civil Service Act, as found in the Nebraska Revised State Statutes. At that time, not all sections of the ordinance were codified. The proposed changes will codify the ordinance and update the discipline section based on recommendations of our legal department in compliance with statutes and in accordance with current practices and past experiences. The drafted ordinance reflects the proposed changes using the highlight and strike-out features.

The adoption of this ordinance will incorporate and ensure compliance with the necessary requirements of the Civil Service Act and update the Municipal Code to reflect changes to the Nebraska Statutes and revise the discipline section.]

A motion was made by Councilman Korber-Gonzalez to approve the first reading of Ordinance No. 2802. The motion was seconded by Councilman Seiler. City Clerk Jines read the Ordinance by title which follows in its entirety:

ORDINANCE NO. 2802

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE TO INCLUDE PROVISIONS IN CHAPTER 2 RELATING TO THE CIVIL SERVICE COMMISSION TO COMPLY WITH THE CIVIL SERVICE ACT SECTIONS 19-1825 THROUGH 19-1848, REISSUE REVISED STATUTES OF NEBRASKA, 1943, 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 2, Article VI, Division 2 of the Alliance Municipal Code is amended by adding the following language:

DIVISION 2. CIVIL SERVICE COMMISSION

Sec. 2-261. Civil Service Commission Created.

There is hereby created in the City, a Civil Service Commission which shall have three (3) members who shall each be a citizen of the United States, a resident of such City for at least three years immediately preceding such appointment, and an elector of the county wherein such person resides.

Sec. 2-262. Appointment of Members.

The members of the Civil Service Commission shall be appointed by the City Manager. At the time of any appointment, not more than two members of the Civil Service Commission including the one or ones to be appointed shall be registered electors of the same political party. Confirmation of the appointment(s) by any other legislative body shall not be required.

Sec. 2-263. Members' Term of Office.

The first persons appointed to the Civil Service Commission shall for terms of two (2) years, four (4) years, and six (6) years respectively. Thereafter, all appointments shall be for six (6) years.

Sec. 2-264. Removal from Office.

Any member of the Civil Service Commission may be removed from office for incompetency, dereliction of duty, malfeasance in office, or other good cause by the City Manager, except that no member of the Civil Service Commission shall be removed until written charges have been preferred, due notice given such member, and a full hearing had before the City Manager.

Sec. 2-265. Compensation of Members.

Members of the Civil Service Commission shall serve without compensation.

Sec. 2-266. Meetings.

The Civil Service Commission shall hold meetings as may be required for the proper discharge of its duties.

Sec. 2-267. Chairperson.

The Civil Service Commission shall annually elect one of its members as chairperson.

Sec. 2-268. Secretary and Chief Examiner.

The Civil Service Commission shall appoint a secretary and a chief examiner. The Commission may merge the positions of secretary and chief examiner and appoint one person to perform the duties of both positions. The Commission shall appoint the city's personnel officer as secretary and chief examiner, if requested to do so by the City Manager.

Sec. 2-269. Quorum.

Two (2) members shall constitute a quorum for the transaction of business.

Sec. 2-270. Powers and Duties.

The Commission shall adopt and promulgate procedural rules and regulations consistent with the Civil Service Act. Such rules and regulation shall provide in detail the manner in which examinations may be held and any other matters assigned to it by the City Manager. At least one copy of the rules and regulations, and any amendments, shall be made available for examination and reproduction by members of the public. One copy of the rules and regulations and any amendments shall be given to each full-time firefighter and full-time police officer. The members of the civil service Commission shall devote due time and attention to the performance of the duties specified and imposed upon them by the Civil Service Act.

Sec. 2-271. Positions Covered.

The Civil Service Act shall apply only to all present full-time firefighters or full-time police officers of the City, including any paid full-time police or fire chief of such department, and future appointees to such full-time positions. Full-time police officers shall mean police officers in positions which require certification by the Nebraska Law Enforcement Training Center, who have the power to arrest, who are paid regularly by the City, and for whom law enforcement is a full-time career, but shall not include clerical, custodial, or maintenance personnel. Full-time firefighters shall mean duly appointed firefighters who are paid regularly by the City and for whom firefighting is a full-time career, but shall not include clerical, custodial, or maintenance personnel who are not engaged in fire suppression.

Sec. 2-272. Position Creation and Elimination.

All positions subject to the Civil Service Act shall be created or eliminated by the Mayor and Council.

Sec. 2-273. Establishment of Salaries and Compensation.

The Civil Service Act shall not be construed to infringe upon the power and authority of the City Manager to establish salaries and compensation of all employees within the compensation schedule or ranges established by the Mayor and Council for the positions.

Sec. 2-274. Payment of Compensation for Services.

No treasurer, auditor, comptroller, or other officer or employee of the City subject to the Civil Service Act shall approve the payment of or be in any manner concerned in paying, auditing, or approving any salary, wage, or other compensation for services to any person subject to the jurisdiction and scope of the Civil Service Act unless the person to receive such salary, wage, or other compensation has been appointed or employed in compliance with such Act.

Sec. 2-275. City's Duty to Commission.

The Mayor and Council shall provide the Commission with suitable and convenient rooms and accommodations and cause the same to be furnished, heated, lighted, and supplied

with all office supplies and equipment necessary to carry on the business of the Commission and with such clerical assistance as may be necessary. It shall be the duty of the City to appropriate each fiscal year, from the general funds of the City, a sum of money sufficient to pay the necessary expenses involved in carrying out the purposes of such act, including, but not limited to, reasonable attorney's fees for any special counsel appointed by the Commission when the City Attorney is not authorized by the City Manager to represent the Commission. The City Manager may establish the hourly or monthly rate of pay of such special counsel. The City shall afford the Commission, its members and employees all reasonable facilities and assistance to inspect all books, papers, documents, and accounts applying or in any way appertaining to any and all positions and employments subject to civil service and shall produce such books, papers, documents and accounts. All city officers and employees shall attend and testify whenever required to do so by the Commission, the accused, or City Manager.

Sec. 2-276. Political Fund Contribution and Political Service.

No person holding any position subject to civil service shall be under any obligation to contribute to any political fund or to render any political service to any person or party whatsoever. No person shall be removed, reduced in position or salary or otherwise prejudiced for refusing so to do. No public officer, whether elected or appointed, shall discharge, promote, demote, or in any manner change the official rank, employment, or compensation of any person under civil service, or promise or threaten to do so for giving, withholding, or neglecting to make any contribution of money, services, or any valuable thing for any political purposes.

Sec. 2-277. Tenure of Employment.

The tenure of a person holding a position of employment under the Civil Service Act shall be only during good behavior.

Sec. 2-278. Causes for Disciplinary Action.

Any such person may be removed or discharged, suspended with or without pay, demoted, reduced in rank, or deprived of vacation, benefits, compensation, or other privileges, except pension benefits, for any of the following reasons:

1. Incompetency, inefficiency, or inattention to or dereliction of duty;
2. Dishonesty, prejudicial conduct, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, any act of omission or Commission tending to injure the public service, any willful failure on the part of the employee to properly conduct himself or herself, or any willful violation of the Civil Service Act or the rules and regulations adopted pursuant to such act;
3. Mental or physical unfitness for the position which the employee holds;
4. Drunkenness or the use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid or preparation to such an extent that the use interferes with the efficiencies or mental or physical fitness of the employee or precludes the employee from properly performing the functions and duties of his or her position;

5. Conviction of a felony or misdemeanor tending to injure the employee's ability to effectively perform the duties of his or her position; or
6. Any other act or failure to act which, in the judgment of the Civil Service Commissioners is sufficient to justify the offender to be an unsuitable and unfit person to be employed in the public service.

Sec. 2-279. Disciplinary Action Procedure.

1. No employee in the civil service who shall have been permanently appointed or inducted into civil service shall be removed, suspended, demoted, or discharged, except for cause and then only upon the written accusation of the Police or Fire Chief, City Manager, or any citizen or taxpayer.
 - a. Written Accusation. The written accusation shall set forth the alleged misconduct, charges, or grounds for investigation against the employee. The written accusation shall be filed by the complainant with the City Manager who shall cause a copy of such written accusation to be delivered within 48 hours after the filing to the (a) Police or Fire Chief unless either be the complainant, and (b) employee personally or by certified mail, addressed to the employee at the residence address of the employee shown in the personnel records.
 - b. Suspension. The Police Chief and Fire Chief with approval of the City Manager, or City Manager shall have the authority to immediately suspend, an employee against whom such written accusation has been filed, pending the confirmation of the suspension, or a decision of the City Manager to reinstate the employee, remove, demote, discharge, or suspend the employee, with or without pay.
 - c. Investigation of Written Accusation. Prior to the decision of the City Manager to reinstate the employee or remove, demote, discharge, or suspend the employee, with or without pay, the City Manager shall within a reasonable period of time investigate the alleged misconduct, charges, or grounds against the employee and explain the basis of the employer's evidence to the employee and provide the employee an opportunity to present his or her version of the circumstances which resulted in the filing of the written accusation.
 - d. If the City Manager's investigation reveals other misconduct, charges, or grounds the City Manager shall direct the complainant Chief to amend the written accusation to include the other misconduct, charges, or grounds by filing an amendment to the written accusation with the City Manager who shall cause a copy of such amended accusation to be delivered after the filing as provided in a. above. The City Manager shall explain the basis of the employer's evidence to the employee and provide the employee an opportunity to present his or her version of the circumstances which resulted in the filing of the amended written accusation.

In the event that a Police or Fire Chief is being disciplined, the City Manager shall follow the same procedures as are followed by the Police or Fire Chief in disciplining employees under the Act.

- e. Upon completion of this procedure the City Manager may make one of the following findings to resolve the alleged misconduct, charges, or grounds set forth in the written accusation: (1) to be without merit, (2) to not warrant disciplinary action, (3) to warrant disciplinary action less severe than removal, demotion, discharge, or suspension, with or without pay, such as an oral or written reprimand, or (4) to warrant removal, demotion, discharge, or suspension, with or without pay.
 - f. City Manager's Response. If the City Manager's determination comes under e.(4) above, within five (5) calendar days after making a decision, the City Manager shall file a copy of his or her decision with the Secretary of the Commission who shall follow the same procedure as provided in a. Written Accusation above.
2. Civil Service Commission Review. Any civil service employee so removed, suspended, demoted or discharged, may, within ten (10) calendar days after receiving written notice of the City Manager's decision, file a written demand for an investigation and public hearing by the Civil Service Commission, with the secretary of the commission and a copy to the City Manager. The failure to file such a request shall constitute a waiver of the employee's right to review by the Civil Service Commission and the City Manager's decision shall become final.
 3. Employee's Responsibilities after Filing Appeal. Simultaneously with filing the demand for investigation and public hearing, the employee shall mail or deliver the following upon the City Manager and Secretary of the Civil Service Commission:
 - a. A *response* to the statement of the charge(s);
 - b. The names of the witnesses who will be called on behalf of the employee and a general statement of the nature of their testimony; and
 - c. Copies of the documents to be introduced.
 4. City's Responsibility after Employee Files Appeal. Within ten (10) calendar days of receipt of the employee's notice of appeal, the City Manager shall cause to be mailed or delivered the following notice to the employee and Secretary of the Civil Service Commission:
 - a. A statement of the charge(s);
 - b. The names of the witnesses who will be called on behalf of the City Manager and a general statement of the nature of their testimony;
 - c. Copies of the documents to be introduced.
 5. Investigation Conducted on Employee's Appeal. Upon receipt of a written demand, the Commission shall conduct an investigation. The Commission may be represented in such investigation and public hearing by the City Attorney if authorized by the City Manager.

If the City Attorney does not represent the Commission, the Commission may be represented by special counsel appointed by the Commission for any such investigation and hearing. The investigation shall consist solely of a review of the written submissions of the City Manager and employee to determine whether any individuals or documents should be subpoenaed by the Commission for the subsequent public hearing before the Commission ultimately to determine whether the City Manager acted in good faith for cause. Good faith for cause shall mean that the action was not arbitrary or capricious and was not made for political or religious reasons.

6. Public Hearing Conducted on Employee's Appeal. The Commission shall schedule a public hearing no less than ten (10) nor more than twenty (20) calendar days from the date of filing of the employee's written demand for an investigation. The Commission shall notify the City Manager and employee in writing at least five (5) calendar days prior to the date of the hearing, of the date, time and place of the hearing. Both parties shall be permitted to appear in person and by counsel and to present his or her case and may present evidence by testimony and documents and shall be permitted to cross-examine witnesses. A decision shall be rendered no later than ten (10) calendar days after the hearing.
7. Commission's Finding. The Commission may affirm the action taken by the City Manager if such action is supported by a preponderance of the evidence. If the Commission finds that the removal, suspension, demotion or discharge was made for political or religious reasons or was not made in good faith for cause, it shall order the immediate reinstatement or reemployment of such employee in the position or employment from which such employee was removed, suspended, demoted, or discharged, which reinstatement shall, if the Commission in its discretion so provides, be retroactive and entitle such person to compensation and restoration of benefits and privileges from the time of such removal, suspension, demotion, or discharge.

After the hearing, in lieu of affirming the removal, suspension, demotion, or discharge, the Commission may modify the order of removal, suspension, demotion, or discharge by directing a suspension, with or without pay, for a given period and the subsequent restoration to duty or demotion in position or pay. No later than ten (10) calendar days after the hearing the Commission shall certify its findings in writing to the employee and the City Manager who shall enforce them.

8. Appeal. If such judgment or order be concurred in by the Commission or a majority thereof, the accused or governing body may appeal to the district court according to Nebraska Statutes.

SECTION 2. All other ordinances or parts ordinances in conflict with this ordinance are hereby repealed.

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

Roll call on the first reading of Ordinance No. 2802 as follows:

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

Voting Nay: None.

Motion carried.

- The next matter before Council was consideration of Resolution No. 16-65 which will authorize staff to proceed with the purchase of materials for the Heartland Expressway electric utility relocation. The following background information was provided to Council:

[The Electric Department has been notified that the Heartland Expressway project will tentatively be starting this month and the City of Alliance's powerlines south of 3rd Street on Highway 385, located within the NDOR right of way will need to be moved. Although the distance the powerlines will need to be moved is relatively small and varies within the project, the amount of line needing relocated actually totals five miles for distribution and one mile for transmission. The Nebraska Department of Roads (NDOR) has requested that this be accomplished as soon as possible so as to allow the road construction to remain on schedule.

The engineers have completed the design and NDOR has approved the plans and instructed us to move forward with the project. The overall project is currently estimated by staff at approximately \$1.1 million. Bids are scheduled to be let in the near future for the construction and our overall costs, including engineering fees, will be more concrete once the bids are received back. At that time, necessary budget authority transfers will also be presented to Council.

For now, due to the long lead time on many of the components, it is important that materials are ordered as soon as possible. The goal for completion of the project is presently fall 2016. The preliminary estimated costs for materials are \$225,000 for the distribution portion and \$135,000 for transmission portion for a total of \$360,000.

The resolution before Council will authorize the purchase of the materials necessary for the project. Materials will be purchased and placed in inventory and then transferred into the Rural Rebuild (GL# 05-51-54-53-948) accounts as materials are issued for the project.]

Councilman Feldges made a motion which was seconded by Councilman Seiler to approve Resolution No. 16-65 which follows in its entirety:

RESOLUTION NO. 16-65

WHEREAS, The State of Nebraska will be undertaking the construction of the Heartland Expressway which will change Highway 385 from a two lane highway to a four lane divided highway; and

WHEREAS, As a result of this project the City of Alliance is required to relocate some of our electric distribution and transmission lines and poles; and

WHEREAS, The Nebraska Department of Roads has requested that the relocation of electric services be accomplished as soon as possible so as to allow the construction to remain on schedule; and

WHEREAS, In order to meet the Nebraska Department of Road's request, the City of Alliance would like to order the materials required for the project so they will be in stock and available for the contractor to begin work once selected.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that staff is authorized to order the materials necessary for the relocation of electric distribution and transmission lines and poles associated with the Heartland Expressway project which are estimated to cost between \$350,000 and \$375,000.

Roll call vote as follows:

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

Voting Nay: None.

Motion carried.

- The next item before Council was Resolution No. 16-66 which will establish the City's financial responsibility for the East 10th Street and Trail Improvements project as well as approves the selection of the contractor and the final plans and specifications.

[The low bid for the East 10th Street and Meadowood Trail was received from Paul Reed Construction at \$2,363,255.24. As discussed at the Council retreat on May 10, despite repeated attempts, bids for the East 10th Street project have all come in well over budget. The City presently has budgeted \$450,000 for the project and due to the Federal government capping its participation on the street portion of the project at \$1,230,818, all the overage becomes the responsibility of the City. Working with NDOR, we had hoped that the Heartland Expressway project would yield a bidder that might like to take advantage of our proximity to that project resulting in a lower bid. Unfortunately, that did not turn out to be the case and in fact, the Heartland Expressway contractor was not the low bidder in the 10th Street project. Following are the construction totals for the project:

Construction Cost	\$2,363,255.24
Construction Engineering	\$ 330,855.73
NDOR Costs (1%)	\$ 23,632.55
Grand Total Project	\$2,717,743.53

The chart below provides a summary break down of those numbers:

	Trail	Street	Total
Construction	\$ 525,985.00	\$ 1,837,270.24	\$ 2,363,255.24
Constr Engineering 14%	\$ 73,637.90	\$ 257,217.83	\$ 330,855.73
NDOR Costs 1%	\$ 5,259.85	\$ 18,372.70	\$ 23,632.55
Total	\$ 604,882.75	\$ 2,112,860.78	\$ 2,717,743.53
80 % Federal	\$ 483,906.20	\$ 1,690,288.62	\$ 2,174,194.82
Federal Participation Cap	\$ 483,906.20	\$ 1,230,818.00	\$ 1,714,724.20
Balance to City	\$ -	\$ 459,470.62	\$ 459,470.62
City's 20%	\$ 120,976.55	\$ 422,572.16	\$ 543,548.71
Total City	\$ 120,976.55	\$ 882,042.78	\$ 1,003,019.33
Grand Total Project Cost	\$ 604,882.75	\$ 2,112,860.78	\$ 2,717,743.53

With the City's portion being \$1,003,019.33 in total and well in excess of the current budget, City staff has inquired as to whether NDOR is able to spread these costs over several fiscal years. NDOR is able to bill over two fiscal years within the budget authority for the current fiscal year and the balance in the subsequent year.]

Councilman Seiler made a motion to approve Resolution No. 16-66 which was seconded by Councilman Korber-Gonzalez. The resolution follows in full below:

RESOLUTION NO. 16-66

WHEREAS, there has been signed by the City of Alliance on the 21st day of June, 2011, and the State of Nebraska on the 11th day of July, 2011, an agreement providing for the construction of a Federal Aid City Project at 10th Street, from Box Butte Avenue to Flack Avenue; and

WHEREAS, In the above agreement, the City has pledged sufficient funds to finance its share of the cost of the construction of this project identified as URB-6254(7); and

WHEREAS, The above mentioned agreement provided that the City would pay costs as set forth in the agreement; and

WHEREAS, The State of Nebraska on behalf of the City received bids for the construction of this project based on the final plans and specifications on April 14, 2016, at which time two bids were received for the construction of the proposed work; and

WHEREAS, Paul Reed Construction & Supply, Inc. of Gering, NE for the grading, concrete pavement, culverts, and general items in the amount of \$2,363,255.24 has been selected as the low bidder to whom the contract should be awarded.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that in consideration of the above facts the City Council of the City of Alliance, by this resolution, takes the following official action.

1. If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of this project, the City hereby agrees to provide the necessary funds to pay for all costs incurred until and in the event such Federal funds are allowed and paid.

2. The Council hereby concurs in the selection of the above mentioned contractor for the items of work listed, to whom the contract should be awarded.

3. The Council hereby approves of the final plans and specifications that were used in the bidding process for this project.

4. The Council hereby authorized the Mayor to sign the contract with the above mentioned Contractor for the above mentioned work on behalf of the City.

Don Dye and engineer from M.C. Schaff & Associates addressed Council regarding the project. He informed Council that the contractor has elected to not start the project until the 2017 construction. The proposed timeline for the project will be approximately five to six months.

Roll call vote on Resolution No. 16-66 as follows:

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

Voting Nay: None.

Motion carried.

- The next item on the Agenda was Resolution No. 16-67 which would have provided financing for our new ambulance and refinancing the fire truck. This item was removed and will be placed on Council's next regular agenda.

- The last item on the agenda were appointments to the temporary Recycling Feasibility Study Advisory Committee. A motion was made by Mayor Yeager and seconded by Councilman Seiler to appoint Peggy Cooke, Jenny Hager, Richard H. McCall, Coke McClure and Dave Ocken to serve on the Committee.

Roll call vote will the following results:

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

Voting Nay: None.

Motion carried.

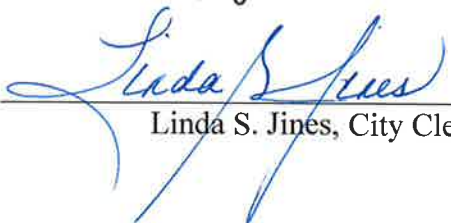
The City has the following openings at this time: two vacancies on the Board of Adjustment; one vacancy on the A-2 Downtown Improvement Board; one vacancy on the Alliance Housing Authority, and two youth ex-officio positions on the Library Board and the Alliance Planning Commission. Anyone interested 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 7:53 p.m."

(SEAL)



Ralph Yeager, Mayor



Linda S. Jines, City Clerk