

April 4, 2013

**ALLIANCE CITY COUNCIL**

REGULAR MEETING, THURSDAY, APRIL 4, 2013

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

The Alliance City Council met in a Regular Meeting, April 4, 2013 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 28, 2013. The notice stated the date, hour and place of the meeting, that the meeting was open to the public, and that an agenda of the meeting, kept continuously current, was available for public inspection at the office of the City Clerk in City Hall; provided the Council could modify the agenda at the meeting if it determined an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each of the City Council Members. An agenda, kept continuously current, was available for public inspection at the office of the City Clerk during regular business hours from the publication of the notice to the time of the meeting.

Mayor Feldges opened the April 4, 2013 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Feldges, Council Members Benzel, Lewis, Yeager and Seiler. Also present were City Manager Cox, City Attorney Selzer, and City Clerk Jines.

- Mayor Feldges read the Open Meetings Act Announcement.
- The first item on the Council's agenda was recognition of Barb Burke's promotion to Children's Librarian.
- Council recognized Boy Scouts Zac Placek, Dylan Horton, Gage Franklin, Nicholas Campos and Corbin Losser that were in attendance at the meeting as they are working towards their Citizenship in the Community Badge.
- Council's next agenda item was the Consent Calendar. Councilman Benzel made a motion, which was seconded by Councilman Lewis to approve the Consent Calendar as follows:

**CONSENT CALENDAR – APRIL 4, 2013**

1. Approval: Minutes of the Regular Meeting, March 21, 2013 and the Special Meeting, March 25, 2013.
2. Approval: Payroll and Employer Taxes for the period March 2, 2013 through March 15, 2013 inclusive: \$169,820.01 and \$11,999.73 respectively.

April 4, 2013

3. Approval: Claims against the following funds for the period March 14, 2013 through March 28, 2013: 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; \$547,696.74.
4. Approval: Resolution No. 13-35 approving the continuation of the Janitorial Contract with Service Maxx for services to the Library/Learning Center in the amount of \$22,400.00 for an additional year.
5. Approval: Resolution No. 13-36 approving an updated Contract with the Panhandle Golf Club for the use of the clubhouse at Skyview Golf Course which clarifies cleaning responsibilities and insurance coverage levels.
6. Approval: Resolution No. 13-37 approving the use of Public Safety Contingency Funds in the amount of \$2,305.00 for the unexpected charges associated with the removal of all radio control stations from the basement of Box Butte General Hospital to the radio storage shed located near the repeater at Box Butte General Hospital.

NOTE: City Manager Cox has reviewed these expenditures and to the best of his knowledge confirms that they are within budgeted appropriations to this point in the fiscal year.

Roll call vote with the following results:

Voting Aye: Benzel, Lewis, Feldges, Yeager, Seiler

Voting Nay: None.

Motion carried.

- The City Manager's Report was the next matter before Council. City Manager J.D. Cox presented the following information:
  - Golf Course
    - Administrator on Agenda for tonight - in contact with PGA & Advisory Board
    - Golf Carts – 5 today; remainder to follow
  - Contractor's Open House– April 9 – 11am – 1pm
    - Presenting- Marlin Johnson, Jack Baker, Dale Snyder (State Electrical Inspector), Pat Gould (Fire Marshal)
    - Lunch served at Noon
    - Breakout Sessions after lunch
  - Won Court Ruling re: Sean Busch Appeal of Termination
  - Box Scraper
    - **Dissatisfier**
      - Alleyway Surface Maintenance – need for a more effective and efficient method in which to grade alleyways

April 4, 2013

- Currently, the motor grader is used to maintain the alleyway surface, which due to its large size, is difficult at best to maneuver in tight alleyways so as to create a smooth, properly graded surface.
- **Action Items**
  - Determined that, compared to the motor grade, a more effective and efficient method of grading alleyways would be through the use of a Tractor Mounted, 3-Point Grading Box Blade. A tractor with 3-Point Grading Box Blade implement is much smaller than a motor grader and can maneuver in tight alleyways, thus resulting in being able to better create a smooth and properly graded surface.
  - Two employees assigned the task of acquiring price quotations for a Tractor Mounted, 3-Point Grading Box Blade.
- **Research and Recommendation**
  - Determined the best tractor mounted implement for our identified need is the Bison, HVH-242-XHD Grading Box Blade from Alliance Tractor & Implement Company in the amount of \$2,995.
  - Department Head – Request purchase authorization from City Manager.
- Heartland Expressway Meeting in Alliance – April 17 – 10am to 2pm
- BTBHIA/Logo
  - Trademark has been filed!
  - Recommended that we strive for consistency
  - Not using OpenAlliance; not using anything but the regular logo
  - Should begin using <sup>TM</sup> superscript (or subscript) with our logos and our BTBHIA
  - Utilizing remainder of old stock for mostly internal communications
  - Changed all websites to be consistent
  - Need to begin using letterhead consistent
- Dashboards were presented
- The next matter before Council was the presentation of funds from the Public Alliance for Community Energy (ACE) and a Proclamation declaring ACE as the City of Alliance's natural gas supplier during the Choice Gas selection period April 12<sup>th</sup> through April 25<sup>th</sup>, 2013. City Manager Cox provided the following background information:

[The City of Alliance is in receipt of a payment of \$16,864.74 from ACE, the Public Alliance for Community Energy. This represents the City's share of a \$200,000 distribution to its member communities within the State of Nebraska during March 2013. ACE is a community-owned, not-for-profit natural gas supplier formed in 1998 and now serving 70 Nebraska communities. ACE has returned almost \$1.2 million to its member communities since the inception with the City of Alliance receiving \$77,903 in "dividends". Alliance received the largest payment of any member community with almost 50% of Alliance citizens choosing ACE as their gas supplier this past year.

The City of Alliance has designated the funds received through participation in the program to finance projects and improvements that directly benefit youth. In

April 4, 2013

the past, the dividends from ACE have been used to purchase equipment for the swimming pool and more recently fund improvements at the softball complex. Suggestions for future projects are being solicited from City staff and the citizens of Alliance.]

### PROCLAMATION

WHEREAS, ACE, the Public Alliance for Community Energy is a community-owned and not-for-profit natural gas supplier made up of 70 Nebraska member communities including the City of Alliance; and

WHEREAS, ACE was formed in 1998 to provide competition in the Choice Gas program in helping natural gas customers get the lowest price possible and keeping money in Nebraska; and

WHEREAS, The mission of ACE is to offer competitive rates and work to keep the cost of natural gas as low as possible for all consumers; and

WHEREAS, The City of Alliance received \$16,864.74 in revenue return from ACE during March of 2013 with total revenue returns to the City of \$77,903 since the inception of ACE; and

WHEREAS, The City Manager has recommended these funds be utilized to enhance the quality of life for our youth by financing specific projects based upon input from the community.

NOW, THEREFORE, the City Council of Alliance, Nebraska, encourages the Citizens of Alliance to consider selecting ACE as their natural gas supplier during the Choice Gas selection period which begins April 12<sup>th</sup> and runs through April 25<sup>th</sup>, 2013.

*IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 4<sup>th</sup> day of April in the year of the Lord Two Thousand Thirteen.

- A Public Hearing and the first reading of Ordinance No. 2722 was the next agenda item before Council. This Public Hearing was for the request to vacate the platted portion of Burnham Drive lying west of Emerson Avenue. City Manager Cox provided the following background information:

**[PROPOSAL:**

Jeff & Mutt, LLC is requesting to vacate the platted portion of Burnham Drive lying west of Emerson Avenue.

**LOCATION:**

Burnham Drive is located on the south side of the St. John's United Lutheran Church property in the NE ¼ of Section 26, T25N, R48W.

April 4, 2013

**ANALYSIS:**

Jeff & Mutt, LLC desires to vacate this portion of Burnham Drive because they feel it goes nowhere, it will never go anywhere, it is not maintained and it has no purpose. They feel that by vacating Burnham Drive the City will eliminate property that is not used or needed and put it back on the tax rolls for a usable purpose. They feel it is possible that when assembled with the adjacent property, a buildable home site would be possible between the floodplain and the church, where not possible today. In addition, they have concerns about being solely responsible for building a future road to nowhere. The St. John's United Lutheran Church has submitted a letter agreeing to the vacation of the road and agreeing to give their portion of any vacated right-of-way to Jeff & Mutt, LLC.

This portion of Burnham Drive was dedicated to the public in 1981 when the Lands of Abegg Subdivision was platted. The rationale was likely to provide access for future development of the land south and west of said subdivision. Typically, one of three options should have been followed: 1.) Require that the street be constructed; 2.) Require bonding for future construction of the street; or, 3.) Require that an agreement be filed whereby the landowner, and future successors, waives their right to object to a future improvement assessment. Apparently, and to the best of my knowledge, none of the above was done. In addition, the City adopted a Special Flood Hazard Ordinance in 1986 and that may have altered the Abegg Subdivision as approved had it been in existence at that time.

Most of this portion of Burnham Drive is located in the floodplain, including the west end. The whole parcel of the applicant's property is approximately 114 acres, but the portion of the property lying between the floodplain and Emerson Avenue is approximately  $\frac{1}{4}$  acre in size, with roughly half of that being required setback leaving a buildable area of approximately 7000 square feet.

The Long Range Transportation Plan shows Emerson Avenue and Buchfinck Avenue as future North-South Urban Minor Arterials. Colorado Avenue is not marked, but probably should be noted as a future north-south connection. 10th Street and 25th Street are shown as East-West Urban Minor Arterials. Not marked, but probably should be, is 18th Street which would appear to be the next significant logical east-west connector for this part of town lying west of Emerson. The railroad limits how far any east-west connector would go in this area.

The only Staff comment received is from the Water and Sewer Superintendent who expresses generic reservations about this vacation. After more detailed discussion it seems reasonable and prudent to require that a utility easement be maintained along the north side of the right-of-way.

A width of 20 feet would be adequate for future water and sewer lines.

April 4, 2013

The applicant had originally brought this request to the City about a year ago. At that time City Departments had expressed general concerns about future development. The City Attorney had noted that all abutting property owners needed to sign the petition and that after review with department staff and consultation of the master plan the proper procedure was to follow the hearing process. The applicant had thought the matter was going to be placed on the May 2012 agenda, but formal concurrence from the Church was not received until January.

An east-west road through the floodplain might cause more harm than good and a cul-de-sac to serve one or two properties would not be necessary. North-south connectivity on this property would make more sense as it is a shorter traverse of the floodplain. Preserving the future Colorado Avenue right-of-way is of much greater importance. When this property is proposed for subdivision the City will have the opportunity to re-address future connectivity for roads and easements at that time. In addition, the floodplain in this area bodes for large lot development and/or open space requiring a lesser road density grid.

**FEEDBACK:**

The vast majority of the responses from the public is in favor of the request or disinterested.

**PLANNING COMMISSION:**

On March 12, the Planning Commission met to conduct a public hearing and to consider this matter. After hearing the testimony, the Planning Commission voted unanimously to recommend favorable approval to the City Council.

**FINDINGS OF FACT:**

1. There is no constructed infrastructure in the platted right-of-way;
2. The Church concurs with the request and would not want to be party to construction of a road;
3. The flood hazard maps did not exist when this right-of-way was platted;
4. The platted road runs into and roughly parallel with the floodplain; the bulk of the property to the west can be accessed from the north and the south without going up the floodplain;
5. The Long Range Transportation Plan does not show this or any other road in the vicinity as an east-west connector in this area and such connector should not run up the floodplain;
6. The City will get to re-visit future connectivity of roads and easements when the property is proposed to be subdivided in the future;
7. A utilities easement will be maintained to allow future development of sewer and water infrastructure; a more developable piece of property will be created.]

Mayor Feldges stated now is the date, time and place to conduct a Public Hearing on the vacation of Burnham Drive wet of Emerson Avenue and opened the hearing at 7:21 p.m.

April 4, 2013

Jon Worthman, legal counsel for the applicant, Jeff and Mutt, LLC appeared before Council and stated his clients are willing to provide an utility easement of which a copy has already been provided to the City for review. The purpose for the vacation is to provide for a buildable lot as part of the property is in a flood zone.

Councilman Benzel asked who actually owned the property. Staff responded that we are under the impression it is own by the City; but will research and confirm. Should the City vacate the dedicated street it will revert equally to the adjoining property owners.

Jon Worthman stated it was his understanding that the other adjoining property owner was willing to relinquish their interest in the property. Mr. Worthman was asked who is Jeff and Mutt, LLC and he responded it was a partnership between Jim Peltz and Marty Giff.

No further testimony was offered and the Public Hearing was closed at 7:34 p.m.

A motion was made by Councilman Lewis, seconded by Councilman Seiler to approve the first reading of Ordinance No. 2722. City Clerk Jines read the Ordinance by title which follows in its entirety:

#### **ORDINANCE NO. 2722**

AN ORDINANCE OF THE CITY OF ALLIANCE, VACATING BURNHAM DRIVE WEST OF EMERSON AVENUE, A STRIP OF LAND APPROXIMATELY 60' BY 425' LOCATED THE NE 1/4 OF SECTION 26, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH P.M., IN THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA.

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

SECTION 1. Jeff & Mutt LLC has made an application to the City of Alliance to vacate a portion of Burnham Drive located west of Emerson Avenue in the NE 1/4 of Section 26, Township 25 North, Range 48 West of the 6<sup>th</sup> P.M., Box Butte County, NE. The property is approximately 60' by 425'.

SECTION 2. The purpose of the vacation is to eliminate property that is not used or needed and put it back on the tax rolls for a usable purpose. The requesting party believes that when assembled with their adjacent property, a buildable home site would be possible between the floodplain and the adjacent property owned by others. The adjoining property owner has agreed to the vacation of the right-of-way and to give their portion to Jeff & Mutt, LLC.

SECTION 3. The City Council finds it is in the best interest of the City that the real estate described above is vacated and that the City of Alliance will not retain ownership.

SECTION 4. The above-described real estate is now vacated.

April 4, 2013

SECTION 5. This Ordinance shall take effect and be in force following its passage, approval, and publication as required by law.

Roll call vote for the first reading of Ordinance No. 2722 with the following results:

Voting Aye: Benzel, Lewis, Seiler, Feldges,

Voting Nay: Yeager.

Motion carried.

- The second reading of Ordinance No. 2721 was the next agenda item before Council. This Ordinance will provide for the rezoning of the East 100 feet of Lots 1-3, Block 2, 2<sup>nd</sup> Addition to Brittan Addition, to C-3 (Highway Commercial) from R-4 (Residential Mobile Home Park). City Manager Cox provided the following background information:

**[PROPOSAL:**

The City is in receipt of a request to rezone the property that is located east of 815 Flack Avenue (south side of 9<sup>th</sup>).

**LOCATION:**

The request to rezone from R4 Residential Mobile Home Park to C3 (Highway Commercial) was made by James (Jamie) Graham and property owner Christine Karrell. The property in question is shown with a red dot.

**ANALYSIS:**

The rezone is being requested due to an earlier merger that did not rezone 2/3 of the lot.

The current understanding is that a store is going to be placed at this location. It would appear that this matter is without controversy and is well supported by area neighbors and with the Planning Commission already holding the same opportunity for public hearing, we recommend that we speed up the process and Council consider waiving the third reading as unnecessary and needlessly delaying the implementation of a new business.

**FEEDBACK:**

There have been no negative comments received regarding the rezone.

**PLANNING COMMISSION:**

On Feb 12, the Planning Commission held a public hearing and consideration of the same. Following the hearing the Planning Commission unanimously approved recommending approval of the rezone request.

April 4, 2013

**COUNCIL ACTION:**

At its March 21 meeting, City Council approved the first reading of this ordinance.]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve the second reading of Ordinance No. 2721. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2721

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, SETTING FORTH CONDITIONS FOR PASSAGE, AND AMENDING THE DISTRICT ZONING MAP TO SHOW THAT THE EAST 100 FEET OF LOTS 1-3, BLOCK 2, 2<sup>ND</sup> ADDITION TO BRITTAN ADDITION, BOX BUTTE COUNTY, NEBRASKA, IS NOW INCLUDED AS A C-3 HIGHWAY COMMERCIAL DISTRICT FROM A R-4 RESIDENTIAL MOBILE HOME PARK DISTRICT, AND REPEALING PRIOR SECTIONS.

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

SECTION 1. Section 10-302 of the Alliance Municipal Code is amended to provide as follows:

10-302. DISTRICT MAP ADOPTED

Boundaries of the districts, as enumerated in Article 3 of these regulations, are hereby established as shown on a map prepared for that purpose, which map is hereby designated as the Zoning District Map; and said map, and all the notations, references and information shown thereon is hereby made as much a part of these regulations as if the same were set forth in full herein. The City Planning Commission shall keep on file in their offices an authentic copy of said map, and all changes, amendments, or additions thereto.

When definite distances in feet are not shown on the Zoning District Map, the district boundaries are intended to be along existing street, alley or platted lot lines, or extensions of the same, and if the exact location of such lines is not clear, it shall be determined by the Building Inspector, due consideration being given to location as indicated by the scale of the Zoning District Map.

This is to certify that the Zoning District Map described in the Alliance Municipal Code, passed this \_\_\_\_ day of March, 2013, is now the official Zoning District Map.

SECTION 2. Previously existing Section 10-302, and all ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with the revisions set forth herein are hereby repealed.

April 4, 2013

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

Councilman Lewis made a motion to waive the statutory requirement of reading the ordinance on three different dates. The motion was seconded by Councilman Benzel.

Roll call vote to waive the three readings of Ordinance No. 2721 with the following results:

Voting Aye: Feldges, Yeager.

Voting Nay: Benzel, Lewis, Seiler.

Motion failed.

Roll call vote for the second reading of Ordinance No. 2721 with the following results:

Voting Aye: Benzel, Lewis, Seiler, Yeager, Feldges.

Voting Nay: None.

Motion carried.

- The next agenda item was a Public Hearing on the Conditional Use Permit request of Jeff & Mutt, LLC to place a well ¼ mile west of Emerson Avenue and 800' south of West 25<sup>th</sup> Street. City Manager Cox provided the following background information:

**[PROPOSAL:**

Jeff & Mutt, LLC is requesting a Conditional Use Permit for a well in a District A - Exclusive Agriculture zone.

**LOCATION:**

The location of the well is approximately one-quarter mile west of Emerson Avenue and 800 feet south of West 25th Street, or approximately 1000 feet west of the St. John's United Lutheran Church. The property is described as part of the *NE1/4* of Section 26, T25N, R48W.

**ANALYSIS:**

This well was drilled in 2011. The well is a livestock well that is registered with the State of Nebraska as #G-161417. Apparently, neither the landowner nor the well driller was aware that a permit was required from the City. A paperwork trail indicates that the matter came up as an issue in 2012. When Jeff & Mutt, LLC discussed submittal of another application affecting this property, Staff suggested that an application for the well be submitted to clarify the situation and bring the property into compliance.

April 4, 2013

The City Water and Sewer Superintendent recommends approval of the Conditional Use Permit. He indicated that the well only pumps about 20 gallons per minute, which is rather minor in the whole scheme of things.

The majority of the responses from the public are in favor of the request. One objection references the potential for starting a feedlot, but the City Code does not allow a feedlot within two miles of the City limits.

**PLANNING COMMISSION:**

On March 12, the Planning Commission met to conduct a public hearing and to consider this matter. After hearing the testimony, the Planning Commission voted unanimously to recommend favorable approval to the City Council.

**FINDINGS OF FACT:**

The property is zoned agricultural and a livestock well is a rational accessory use; The well is more than 1000 feet from an existing municipal well; City Water & Sewer Superintendent supports the request.]

Mayor Feldges stated “now is the date, time, and place to conduct a Public Hearing to hear support, oppositions, criticism, suggestions, or observations of the taxpayers relating to the Conditional Use request of Jeff & Mutt, LLC to place a well ¼ mile west of Emerson Avenue and 800’ south of West 25<sup>th</sup> Street. The Public Hearing opened at 7:42 p.m.

Jon Worthman, legal counsel for the applicant appeared before Council to answer questions. Mr. Worthman stated the well was not installed to provide a lake for goose hunting, as some may have suggested. The Conditional Use Permit is requested at this time because the applicant was unaware at the time of installation it was required. The applicant did get approval from the State of Nebraska when the well was installed.

Hearing no further testimony, Mayor Feldges closed the Public Hearing 7:44 p.m.

A motion was made by Councilman Lewis, seconded by Councilman Seiler to approve Resolution No. 13-38 which follows in its entirety:

**RESOLUTION NO. 13-38**

*WHEREAS*, The City of Alliance, through its Community Development Department regulates building and zoning within the City of Alliance and the two mile jurisdiction; and

*WHEREAS*, Jeff & Mutt, LLC has requested a Conditional Use Permit on part of the NE¼ of Section 26, Township 25 North, Range 48, West of the 6<sup>th</sup> P.M. in Alliance, Box Butte County, Nebraska to allow for a well; and

April 4, 2013

*WHEREAS*, The Community Development and the Water Department staff have examined the request and finds that the request to allow for the well in an A – Agricultural Zoned District is appropriate for the granting of a conditional use permit; and

*WHEREAS*, The Planning Director has recommended the granting of the Conditional Use Permit; and

*WHEREAS*, On the 12<sup>th</sup> day of March, 2013, the Planning Commission for the City of Alliance held a public hearing on behalf of the Conditional Use Permit for Mutt & Jeff, LLC; and

*WHEREAS*, The Planning Commission voted to approve the Conditional Use Permit and forward the request for the Conditional Use Permit to the City Council for their review and consideration.

*WHEREAS*, The City Council has reviewed the request and determined that it is in the best interest of the City of Alliance and consistent with the zoning rules and regulations to grant a Conditional Use Permit for Mutt & Jeff, LLC.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and City Council of Alliance, Nebraska that the Conditional Use Permit of Mutt & Jeff, LLC to allow for a well on part of the NE¼ of Section 26, Township 25 North, Range 48, West of the 6<sup>th</sup> P.M., Alliance, Box Butte County, Nebraska, is hereby authorized and approved.

Roll call vote for Resolution No. 13-38 with the following results:

Voting Aye: Lewis, Seiler, Feldges, Yeager, Benzel.

Voting Nay: None.

Motion carried.

- Resolution No. 13-39 will accept a gift from Box Butte General Hospital for signage at Laing Park. The donation is being made as a result of fundraising efforts of the hospital. City Manager Cox provided the following background information:

[In October of this past year, the City of Alliance and Box Butte General Hospital (BBGH) teamed up to hold a “Grime Time Adventure Race” to promote wellness in the community.

During the planning for Grime Time, City staff identified a need for signage in the park system in regards to picnic areas, disc golf course, playground, walking paths, the bridge, and the soon-to-be-repaired dock.

As BBGH’s mission is “to lead and innovate in healthcare delivery and community wellness,” the hospital has concluded that the purchase of the park

April 4, 2013

system signage with funds raised from Grime Time would be consistent with that purpose. Therefore, BBGH has worked with C&LS Director Shana Brown to spec out the appropriate signs and has placed the order for the signage for approximately \$1500. To avoid budget authority issues for the City, BBGH has agreed to pay for the signs directly.]

A motion was made by Councilman Seiler, seconded by Councilman Benzel to approve Resolution No. 13-39 which follows in its entirety:

RESOLUTION NO. 13-39

WHEREAS, The City of Alliance owns and operates Laing Park; and

WHEREAS, Box Butte General Hospital has requested to donate signage to be installed in Laing Park valued at approximately \$1,500.00; and

WHEREAS, The City Council believes it is in the best interest of the City of Alliance to accept the donation from Box Butte General Hospital.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the donation of signage in Laing Park valued at approximately \$1,500.00 be accepted.

Roll call vote for Resolution No. 13-39 with the following results:

Voting Aye: Lewis, Seiler, Feldges, Yeager, Benzel.

Voting Nay: None.

Motion carried.

Mr. Dan Newhoff, the Wellness Coordinator from Box Butte General Hospital was in attendance at the meeting and shared details of the event which was conducted "Grime Time."

- The next matter before Council was Resolution No. 13-40 authorizing the City of Alliance to enter into an Agency Agreement with the Nebraska Department of Aeronautics for the Rehabilitation of Runway 12/30. City Manager Cox provided the following background information:

[The Federal Aeronautics Commission approved at its February 20, 2009 meeting the Runway 12/30 Rehabilitation Project (No. 3-31-0003-16) for the benefit of the Alliance Municipal Airport. The approval of an agency agreement is required by state statute in order to obtain Federal assistance for the development of the Airport. The resolution as presented will authorize the State of Nebraska Department of Aeronautics to act as the Airport's agent for the named project.]

April 4, 2013

A motion was made by Councilman Yeager, seconded by Councilman Benzel to approve Resolution No. 13-40 which follows in its entirety:

RESOLUTION NO. 13-40

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

*WHEREAS*, The City of Alliance will be rehabilitating Runway 12/30, identified as Project No. 3-31-0003-16; and

*WHEREAS*, The City finds it is in the City's best interest to have the Nebraska Department of Aeronautics to act as the City of Alliance Municipal Airport's agent for the rehabilitation of Runway 12/30, identified as Project No. 3-31-0003-16; and

*WHEREAS*, The Nebraska Department of Aeronautics has provided the City with an Agency Agreement.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance shall enter into an Agency Agreement with the Nebraska Department of Aeronautics for Project Number 3-31-0003-16 for the purpose of obtaining Federal assistance in the development of the Alliance Municipal Airport and that such an Agreement is attached hereto and incorporated herein by this reference.

*BE IT FURTHER RESOLVED* that the Mayor of the City of Alliance is hereby authorized and directed to execute said Agency Agreement on behalf of the City of Alliance and the City Clerk is hereby authorized to attest said execution.

*BE IT FURTHER RESOLVED* that said Agreement, referred to herein, is inserted in full and attached herewith and made a part hereof as Exhibit "O".

Roll call vote on Resolution No. 13-40 with the following results:

Voting Aye: Lewis, Seiler, Feldges, Yeager, Benzel.

Voting Nay: None.

Motion carried.

- The next matter before Council was Resolution No. 13-41 awarding the Municipal Front Step Project to K.L. Wood and Company of Alliance, NE in the amount of \$74,705.00. City Manager Cox provided the following background information:

[The City of Alliance continues to plan capital projects to rehabilitate over a period of years the municipal hall located on Laramie Avenue. With the deterioration of the east entry steps, this project was given priority and was included within a total capital budget of \$75,000 for the 2012-13 fiscal year.

April 4, 2013

Designs and bid package were prepared by Jack Baker & Associates and two bids were received in October 12, 2012 with both bids far exceeding the approved budget. Bids were again solicited on a scaled-back project with K.L. Wood and Company being the sole bidder at the bid opening on March 21, 2013. The total bid package includes an option for heated steps (much like those installed at the Alliance Municipal Library in May 2012 at a total project cost of \$51,988.50) with bid details as follows:

BID ITEM DESCRIPTION	COST
<b>Base Bid</b> <ul style="list-style-type: none"> <li>• Stair Structure Removal</li> <li>• Stair Structure Replacement</li> <li>• Hand Railing Replacement</li> <li>• Sidewalk Removal and Replacement – Adjacent to Stairs</li> <li>• ADA Ramp: Remove/Replace of ADA Ramp by Contractor Rehabilitation of ADA Ramp by City</li> </ul>	\$39,288
<b>Add/Alternate to Base Bid – Pavement Heat Option</b> <ul style="list-style-type: none"> <li>• Materials and Labor for Heated Stair Structure and Adjacent Sidewalk</li> </ul>	\$31,860
Sub Total Base Bid with Pavement Heat Option:	\$71,148
Five-Percent In-Field Change Order Authorization:	\$3,557
Total Base Bid with Pavement Heat Option and In-Field Change Order:	\$74,705

The package as presented does not include replacement of the ADA ramp but instead includes provision for City staff to rehabilitate the ramp with those costs being covered by the operating budget. The entryway door and window replacement were also eliminated from the most recent bid package. Railing will be replaced according to the current ADA specifications. The boiler for the heater would require that natural gas be piped from the old basement boiler room to the front of the building. The planned boiler could also provide heat to the north entrance when that entry is replaced in the future.

Total bid price of \$71,148 would be charged against the GL account 42-41-46-59-970. A 5% change order allowance is included in the total resolution of \$74,705. If change orders are necessary, transfer of budget authority may be necessary as there are presently almost \$3,900 in engineering fees already incurred against the \$75,000 budget.]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve Resolution No. 13-41 which follows in its entirety:

RESOLUTION NO. 13-41

April 4, 2013

*WHEREAS*, The City of Alliance advertised for a Bid Proposal for the replacement of the steps at the Alliance Municipal Building; and

*WHEREAS*, Three (3) requests were issued, and one (1) response was received; and

*WHEREAS*, The bid of K.L. Wood and Company of Alliance, Nebraska appears to be the lowest, responsive, and responsible bid in the amount of Seventy-one Thousand One Hundred Forty-eight and no/100ths Dollars (\$71,148.00) from line item 42-41-46-59-970; and

*WHEREAS*, Staff is concerned because the steps at the Alliance Municipal Building have deteriorated to the point that access to the steps has been closed, as they are a safety hazard, and therefore is recommending that Council accept the bid of K.L. Wood and Company; and

*WHEREAS*, Staff is requesting authority to make in the field change orders not to exceed five percent (5%) of the contract price, which may require a transfer of budget authority which will be brought back to Council if that occurs.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, the contract is hereby awarded to K.L. Wood and Company of Alliance, Nebraska in the amount of Seventy-one Thousand One Hundred Forty-eight and no/100ths Dollars (\$71,148.00) from line item 42-41-46-59-970.

*BE IT FURTHER RESOLVED*, that the Mayor is authorized to sign the contract with K.L. Wood and Company of Alliance, Nebraska for the rehabilitation of the steps and sidewalks at the Alliance Municipal Building as described in the bid.

*BE IT FURTHER RESOLVED*, that Eric Lenz, Public Facilities Director shall have the authority to make in the field change orders not to exceed five percent (5%) of the contract price.

*BE IT FURTHER RESOLVED*, that City staff shall notify the successful bidder so that work can proceed according to the bid specifications.

Roll call vote on Resolution No. 13-41 with the following results:

Voting Aye: Lewis, Seiler, Benzel.

Voting Nay: Feldges, Yeager.

Motion carried.

- The next matter before Council was Resolution No. 13-42 which rejects all bids received for Phase I of the Streetscape Project and authorizes staff to re-bid the project using a less restrictive timetable. City Manager Cox provided the following background information:

April 4, 2013

Summary

The bids for the first phase of the streetscape came in over \$200,000 over budget. Recommendation is to reject bids and rebid the project with a more flexible time line.

Background

On March 7, Council approved going out for bid for the Streetscape project. On March 28, bids were opened. The City engineering estimate for all of Phase 1 was \$383,735 and the low bid came back at \$590,163. The concern is not only for the first phase being over budget, but the subsequent potential impact on the second phase (which our engineers estimated at \$720,036).

Scope

Phase 1 –

200 Block of Box Butte and 2<sup>nd</sup> & 3<sup>rd</sup> Streets to the Alleys

New lighting, sidewalks, trees, pulling new wire, electric at light poles and at trees, landscaping, handicap curb cuts

Phase 2 - 300 Block to 500 Block of Box Butte and Alleys (to be completed in 2014)

City Budget

2012-2013 Downtown Streetscape & Revitalization	\$1,065,000*
2012-2013 City Match for Participating Historical Lighting	\$ 158,807*
State Match for Participating Historical Lighting	\$ 287,227
Total Project Authorized for 2012-2013	\$1,511,034

*\*Note that we had previously planned and budgeted for the completion of the entire project for 2012-2013.*

Modification(s) Included in Rebid:

The amount of time to bid and to complete the project are being loosened so as to ensure the lowest possible bids.

Revised Timetable:

Council Approval of Rebid of Project	April 4
Pre-Bid Meeting	April 18
Bid Opening	May 8
Council Award Bids	May 16
Construction Begins**	June 15
Final Completion (including side streets)	October 31, 2013]

A motion was made by Councilman Lewis, seconded by Councilman Seiler to approve Resolution No. 13-42 which follows in its entirety:

April 4, 2013

RESOLUTION NO. 13-42

*WHEREAS*, The City of Alliance solicited bids for the construction of street lighting, concrete sidewalks and curb and gutter for the Box Butte Avenue Lighting and Site Improvements for Phase I of the Streetscape Project; and

*WHEREAS*, Phase I of the Streetscape Project includes work in the general area of Box Butte Avenue between 2<sup>nd</sup> and 4<sup>th</sup> Streets; and

*WHEREAS*, The City of Alliance received two bids for this project which were significantly higher than the Engineer's estimates; and

*WHEREAS*, Staff believes it will be in the best interest of the City of Alliance to reject all bids received at this time and re-bid the project using a less restrictive timetable.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the bids received for the Box Butte Avenue Lighting and Site Improvements – Phase I of the Streetscape Project be rejected at this time and that staff is authorized to re-bid the project using a less restrictive timetable.

Roll call vote on Resolution No. 13-42 with the following results:

Voting Aye: Lewis, Seiler, Feldges, Yeager, Benzel.

Voting Nay: None.

Motion carried.

- Resolution No. 13-43 approving the Independent Contractor Agreement for Golf Course Professional between Doug Dietrich and the City of Alliance was the next issue before Council.

A motion was made by Councilman Yeager, seconded by Councilman Benzel to approve Resolution No. 13-43 which follows in its entirety:

RESOLUTION NO. 13-43

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

*WHEREAS*, As a result of the resignation of the Golf Professional the City advertised for a replacement; and

*WHEREAS*, Staff and the Golf Course Advisory Board reviewed the applications and completed the process to select a replacement for the Golf Professional; and

*WHEREAS*, Staff and the Golf Course Advisory Board recommend that City Council approve the hiring of Golf Professional Doug Dietrich under the terms of the contract which is included with Council's packets; and

*WHEREAS*, The Mayor and City Council deem it expedient to employ a Golf Professional to operate the Alliance Municipal Golf Course; and

April 4, 2013

*WHEREAS*, The Mayor and City Council believe that it is in the best interest of the City of Alliance to hire Doug Dietrich under the terms and conditions of the proposed Independent Contractor Agreement for Golf Course Professional between Doug Dietrich and the City of Alliance.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to sign an Independent Contractor Agreement for Golf Course Professional between Doug Dietrich and the City of Alliance to provide for professional services for operation and oversight of the Alliance Municipal Golf Course.

Roll call vote on Resolution No. 13-43 with the following results:

Voting Aye: Lewis, Seiler, Feldges, Yeager, Benzel.

Voting Nay: None.

Motion carried.

- Board vacancies were the final items addressed by Council.

A motion was made by Councilman Seiler, which was seconded by Councilman Lewis to re-appoint Anna Sutton to serve on the Park & Tree Board for a term which will expire February 28, 2016.

Roll call vote with the following results:

Voting Aye: Lewis, Feldges, Seiler, Yeager, Benzel.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Seiler, which was seconded by Councilman Benzel to appoint Lori Bates to serve on the temporary Community Garden Board for a term which will expire November 30, 2013.

Roll call vote with the following results:

Voting Aye: Lewis, Feldges, Seiler, Yeager, Benzel.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Seiler, which was seconded by Councilman Lewis to appoint Edwin Hinman to serve on the temporary Community Garden Board for a term which will expire November 30, 2013.

Roll call vote with the following results:

April 4, 2013

Voting Aye: Lewis, Feldges, Seiler, Benzel.

Voting Nay: None.

Abstaining: Yeager.

Motion carried.

Councilman Seiler announced the City still has vacancies on the Board of Adjustment, Economic Development Plan Application Review and Citizen Advisory Boards, Youth Representative on the Library Board, Community Garden Board, and 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](http://www.cityofalliance.net).

- Mayor Feldges stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:35 p.m.”

(SEAL)

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Fred Feldges, Mayor

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Linda S. Jines, City Clerk