

## ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, SEPTEMBER 19, 2017

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

The Alliance City Council met in a Regular Meeting, September 19, 2017 at 7:00 p.m. in the Board of Education Meeting Room, 1604 Sweetwater Avenue, Alliance, Nebraska. A notice of meeting was published in the Alliance Times Herald on September 13, 2017. 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 September 19, 2017 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Council Members Yeager, Mischnick, Jones, Korber-Gonzalez and Reynolds. Also present were City Manager Kuckkahn, Assistant City Manager/Finance Director Waggener, City Attorney Hoelsing and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
- The first item on the agenda was the introduction of new City of Alliance employees: Landfill Baler Operator Clint Fankhauser, Meter Reader Ty Withington, Police Officer Enrique Rodriquez and Community Services Clerk Linda Shannon.
- Council next presented the following proclamation recognizing September 24 through 30, 2017 as ReTree Nebraska Week to members of the Alliance Park and Tree Board:

### PROCLAMATION

WHEREAS, September 24 through September 30, 2017 is ReTree Nebraska week; and

WHEREAS, ReTree Nebraska is a program to celebrate trees and promote the value of healthy trees for a healthy community; and

WHEREAS, ReTree Nebraska assists volunteers and non-profit partners with tree planting in public spaces and areas of civic importance; and

WHEREAS, A goal of ReTree Nebraska is to diversify the community forest by promoting a broader diversity of native and well-adopted non-native tree species within Nebraska; and

WHEREAS, ReTree Nebraska provides educational opportunities for people to learn more about trees and their proper selection, planting and care.

NOW, THEREFORE, the City Council of Alliance, Nebraska, does hereby proclaim the week of September 24 – 30, 2017 as:

#### RE-TREE NEBRASKA WEEK

in the City of Alliance, Nebraska, and I urge all citizens to support efforts to promote the healthy establishment and ongoing care of newly-planted trees in our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 19<sup>th</sup> day of September in the year of the Lord Two Thousand Seventeen.

- The Consent Calendar was the next matter for Council's consideration. A motion was made by Councilman Jones, seconded by Councilman Mischnick to approve the Consent Calendar as follows:

#### CONSENT CALENDAR – SEPTEMBER 19, 2017

1. Approval: Minutes of the Regular Meeting, September 5, 2017.
2. Approval: Payroll Costs for the period August 26, 2017 through September 8, 2017 inclusive: \$219,682.76.
3. Approval: Claims against the following funds for the period August 31, 2017 through September 12, 2017: 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; \$1,196,247.72.
4. Approval: The issuance of a Cemetery Certificate to Marvin L. Toedtli and Katharine D. Toedtli for the Southwest Quarter (SW1/4) Lot Eight (8), Section Two (2), Block Two (2) Original Plat to the Alliance Cemetery.
5. Approval and Acceptance: The Certificate of Completion for the 2016 Alliance Asphalt Overlay Project as recommended by our engineer.
6. Approval: The *Special Events Request for Use of Public Facilities, Parks, Streets* of the Alliance Chamber of Commerce. The Chamber is requesting the closure of the 200, 300 and 400 blocks of Box Butte Avenue for their annual Halloween downtown Trick or Treating event. The event will be held on Tuesday, October 31, 2017 between 2:30 p.m. to 5:30 p.m.

7. For Your Information: An Official Notice of Amended Electrical Resources Pooling Agreement “ERPA” Policies and Procedures has been received from the Municipal Energy Agency of Nebraska.

NOTE: City Manager Kuckkahn 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 with the following results:

Voting Aye: Yeager, Mischnick, Reynolds, Jones, Korber-Gonzalez.

Voting Nay: None.

Motion carried.

- Council next heard the request of Jared and Melanie Mann for assistance with the remediation of the vaults located on the south side of Newberry’s. The Mann’s submitted the following letter for Council’s consideration:

[Dear Mayor Yeager and Members of City Council:

My name is Melanie Mann. I am a born and raised resident of Alliance, along with my husband, Jared. Callan and Gina were also born and raised in Alliance. Our children are being raised and attend school in Alliance also. We decided to purchase the historic Newberry building in 2009 because we wanted to avoid having another vacant building downtown. With much blood, sweat and maybe some tears, we transformed the west end of the main floor into a coffee café. Many compliments have been that patrons felt like they were in a different town, even a large city. We are the only restaurant in the downtown of Alliance who has maintained continuity in the time we have owned it. A few months later we opened the east side on the main floor offering space to rent for parties, meetings and weddings. We currently have 3 organizations that have regularly scheduled lunch meetings in this space. We have several weddings or wedding receptions every month, which bring traffic and activity to downtown. Currently, we employ nine full time/part time employees on a weekly basis. When we have large events, such as a wedding or the eclipse street dance event, we employ up to 25 employees. We participate in the Passport program that the State of Nebraska has started which draws in many Nebraska residents into the coffee shop from Alliance and the entire state. We proudly donate our time, money and effort to local fundraisers, charitable events, and other organizations in Alliance and the surrounding area.

We are a business that has shown growth and prosperity. In the future, we would like to expand our business to the second floor with a weekend pub or restaurant serving Nebraska beef. With that comes fixing and refurbishing the many, many

windows, plumbing for bathrooms and a gourmet kitchen, just to name a few. Before all of this can be accomplished we have to address the 4<sup>th</sup> St sidewalk that needs replaced. At this time, we cannot afford to pay \$50,000 for a sidewalk that doesn't provide any income and would like assistance from the city to pay for it. The ordinance that was put in place by the past City Manager; JD Cox in 2016 for commercial properties in downtown Alliance may jeopardize our business' ability to survive due to the excessive cost to pay to fill the vault and pour new sidewalks.

Thank you for your consideration]

Melanie and Jared Mann, 2350 Hwy. 2, Alliance addressed Council regarding their sidewalk issue. They explained to Council that when the property was purchased it was their understanding that the sidewalks and the vaults were not their responsibility. They also stated that initially the streetscape plan as it was presented to them, included the side streets from Box Butte Avenue to the alleys on both the east and west sides of the street; and they were not aware or notified that was no longer the case. The Mann's also stated an ordinance was adopted by Council in 2016 changing the responsibility of the vaults to the adjoining property owners.

The Mann's shared the cost of remediating the sidewalk/vault issue is very expensive and will not provide any revenue benefit to their business. They are concerned they will be able to keep the business in operation.

Chris Mischick, 3000 Toluca Avenue and Jeff Wimmer, 1327 Sheridan Avenue are members of the Community Redevelopment Authority (CRA) and addressed Council. They reported the CRA also considered this financial assistance request and determined it would be beneficial to the community. The CRA will be providing \$20,000 towards the vault remediation. The CRA feels strongly in maintaining businesses in the downtown area is vital. The current problem needs to be addressed immediately as it is a safety issue to the public.

Aaron Wood, 603 East 10<sup>th</sup> Streets is the contractor for the streetscape project and is currently working on the vaults that front the property on Box Butte Avenue. He reported to Council the work that will need to be completed.

Chelsie Herian, Executive Director of Box Butte Development, 305 Box Butte Avenue addressed Council and stated she had been working with the owners of Newberry's on the expansion of their business to include improvements on the 2<sup>nd</sup> floor when the vault issue became apparent. The expansion plans have been put on hold at this time.

Council asked staff if funding was available to assist with this problem. Finance Director Waggener stated the funds budgeted for this project have been fully spent. City Attorney Hoelsing stated there is a fine line for how public funds can be spent for private business which has been addressed by the Legislature. The City has an Economic Development Plan which may be of some assistance but the use of those funds are mostly dependent on job creation/retention.

Council requested staff to review what if any options may be available to assist with the project.

- The Special Designated Liquor License request of the Hemingford American Legion was the next matter before Council.

As no one was in attendance to answer questions of Council regarding the request a motion was made by Councilman Reynolds to table this item. The motion was seconded by Councilman Korber-Gonzalez. Prior to voting, Council suggested Mr. Rinard be contacted by phone to answer questions.

Roll call vote to table this item with the following results:

Voting Aye: None.

Voting Nay: Jones, Mischnick, Yeager, Korber-Gonzalez, Reynolds.

Mike Rinard, Manager of the Hemingford American Legion, discussed with Council via telephone, the details of the reception and the precautions they will take to serve alcohol safely and the prevention of underage consumption.

A motion was made by Councilman Reynolds to approve Resolution No. 17-85. Councilman Jones seconded the motion. The resolution follows in its entirety:

#### RESOLUTION NO. 17-85

*WHEREAS*, The City Clerk has received an application of American Legion Post 9 for a special designated license pursuant to the Nebraska Liquor Control Act; and

*WHEREAS*, Said act requires the approval of applications by the local governing body prior to such a license being issued by the Nebraska Liquor Control Commission; and

*WHEREAS*, The application appears to be complete and meet the statutory requirements.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the Application for Special Designated License of American Legion Post 9 for an event on October 28, 2017 being held at 123 West 3<sup>rd</sup> Street, Alliance, NE is hereby approved for the premises as described in the application, and the City Clerk shall inform the Nebraska Liquor Control Commission of the approval of the application, and the Clerk shall deliver the license issued by said Commission to the permittee upon receipt of the required fees.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Reynolds, Yeager, Jones, Mischnick.

Voting Nay: None.

Motion carried.

- The next agenda item was Resolution No. 17-86 which requests the use of \$25,000 from the City Council Contingency Fund. Council was provided with the following background information:

[Cultural and Leisure Services Director Shana Brown is requesting the use of Council contingency funds in the amount of \$25,000 to pay for the storm-related tree clean-up in Central Park as well as at the Alliance Municipal Cemetery.

The clean-up was completed by Panhandle Tree Service in the days following the storm. Their staff spent three weeks completing the following tasks to clean up after the storm:

- Removed 6 overturned trees and their full root balls, including filling the resulting holes in the turf.
- Removed 13 trees and ground the remaining stumps.
- Trimmed 23 trees to remove damaged limbs.
- Picked up all larger branches and raked areas with substantial downed tree debris.

Contingency funds are requested for this emergency clean up to preserve remaining budgeted funds for additional necessary maintenance of trees in Central Park. Before this storm, staff had identified trees in Central Park that require removal because of splitting as well as many that need to be trimmed to remove loose or dangerous limbs. Tree maintenance has been a recent top priority of the City as our trees on city-owned property must be maintained in order to ensure it is safe and healthy for all citizens to enjoy. The goal is that with proper trimming and maintenance, the health of our urban forest will improve and the damage caused by storms like this will be reduced. The use of the remaining funds in the operating budget for tree trimming will allow our tree maintenance program to remain on schedule for the current budget year.

None of the \$125,000 budgeted for Council Contingency (GL 01-10-10-47-791) for the 2016-17 has been used. This action will transfer \$17,000 to Cemetery Nonrecurring Contracted Services (GL 01-71-74-44-485) and \$8,000 to Parks Nonrecurring Contracted Services (GL 01-71-71-44-485).]

A motion was made by Councilman Korber-Gonzalez seconded by Councilman Mischnick to approve Resolution No. 17-86. The resolution follows in its entirety:

#### RESOLUTION NO. 17-86

*WHEREAS*, Due to a storm, the Alliance Cemetery and Central Park received severe tree damage; and

*WHEREAS*, For the safety of the public several trees had to be removed and extensive trimming needed to be completed; and

*WHEREAS*, The Cemetery and Parks Departments did not have adequate funding for the storm tree clean-up; and

*WHEREAS*, There are funds available in the City Council Contingency funds; and

*WHEREAS*, The Cemetery Department is requesting a transfer from City Council Contingency funds in the amount of Seventeen Thousand Dollars (\$17,000.00) and the Parks Department is requesting Eight Thousand Dollars (\$8,000.00) for the storm tree clean-up.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that Twenty-five Thousand Dollars (\$25,000.00) shall be transferred from City Council Contingency funds to the Cemetery and Parks Departments budgets for the storm tree clean-up expenses.

*BE IT FURTHER RESOLVED* that the Finance Director is authorized to make the transfer from City Council Contingency into the appropriate line items of the Cemetery and Parks Department's budgets to pay for the clean-up.

Roll call vote with the following results:

Voting Aye: Reynolds, Yeager, Jones, Mischnick, Korber-Gonzalez.

Voting Nay: None.

Motion carried.

- Resolution No. 17-87 which will authorize staff to apply for State funding for the rehabilitation of Runway 8/26 at the Alliance Airport was the next item before Council. Council was provided with the following background information:

[The Alliance Municipal Airport has been working on the rehabilitation of Runway 8/26 that is anticipated to occur during the summer of 2018. The Airport has an opportunity to apply for a State matching grant to cover up to 2% of the project costs. State funds are limited and funds may not be allocated to our project.

A preliminary estimate of the cost for the rehabilitation of Runway 8/26 was included in the budget for fiscal year 2017-18 at \$3,500,000 with the City of Alliance's matching 10% portion being \$350,000. This grant could potentially award the Airport \$66,860.

This a great opportunity for the City of Alliance to obtain additional funds to help with our matching 10% portion of this project. Airport staff may be required to attend the Nebraska Aeronautics Commission meeting in October to answer any questions.]

A motion was made by Mayor Yeager, seconded by Councilman Mischnick to approve Resolution No. 17-87. The resolution follows in its entirety:

## RESOLUTION NO. 17-87

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

*WHEREAS*, The City of Alliance will be conducting an Airport Rehabilitation Project, identified as Project No. 3-31-0003-019-2017 for Runway 8/26; and

*WHEREAS*, The City finds it is in the City's best interest to submit an Application for a State grant through the Nebraska Department of Transportation; and

*WHEREAS*, The application will be for \$66,860 which is 2% of the projected cost of the project.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance shall submit an Application for a State grant through the Nebraska Department of Transportation for the rehabilitation of Runway 8/26 Project No. 3-31-0003-019-2017.

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

Roll call vote with the following results:

Voting Aye: Reynolds, Korber-Gonzalez, Yeager, Jones, Mischnick.

Voting Nay: None.

Motion carried.

- The next agenda item was Resolution No. 17-88 which will extend the current hunting allowance for an additional five years with the Nebraska Game and Parks Commission for a parcel on Airport property. Council was provided with the following information:

[This resolution will approve a new five-year hunting season for the 200 acres where the prescribed burn was completed on April 11, 2017. The Airport agreed to work with Nebraska Game & Parks on accomplishing this controlled burn because it would eliminate heavy thatch layers and increase the plant diversity along with providing the Fire Department with a great training opportunity.

The agreement before Council will not change the previous Game & Parks agreement signed in 2015, which expires in June of 2020. This agreement is acknowledging the controlled burn and allowing for the new five-year hunting term in exchange for the cost of seeding. This agreement will expire in 2022.]

A motion was made by Councilman Mischnick, seconded by Councilman Jones to approve Resolution No. 17-88. The resolution follows in its entirety:

RESOLUTION NO. 17-88

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

*WHEREAS*, Previously the City of Alliance has entered into an Open Fields and Waters Contract with the Nebraska Game and Parks Commission regarding the Alliance Municipal Airport property; and

*WHEREAS*, The Nebraska Game and Parks Commission has offered a renewal of the Contract for a term expiring March 1, 2022; and

*WHEREAS*, The Council finds that it is in the best interest of the City of Alliance and the public to approve the contract.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and City Council of the City of Alliance, Nebraska, that the Mayor is authorized to execute the Berggren Plan Agreement with the Nebraska Game and Parks Commission for property located at the Alliance Municipal Airport.

Roll call vote with the following results:

Voting Aye: Reynolds, Yeager, Jones, Korber-Gonzalez, Mischnick.

Voting Nay: None.

Motion carried.

- The next item on the agenda were Board Announcements.

Council announced that the City is currently seeking interest from individuals to serve on the Board of Adjustment, Economic Development Plan Citizen Advisory Board and the Park and Tree Board. Anyone interested in serving on these Boards should contact the City Clerk's Office. Information on all of the City Boards is also available on our web site, [www.cityofalliance.net](http://www.cityofalliance.net).

- The final agenda item was a closed session to discuss a real estate matter.

Councilman Jones motioned pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943 that the Alliance City Council hold a closed session for the protection of the public interest to conduct a strategy session regarding a real estate matter. Along with Council, City Manager Kuckkahn, City Attorney Hoelsing, Airport Manager Placek and City Clerk Jines were requested to be in attendance. The motion was seconded by Councilman Reynolds.

Roll call vote with the following results:

Voting Aye: Jones, Yeager, Reynolds, Korber-Gonzalez, Mischnick.

Voting Nay: None.

Motion carried.

The closed session began at 7:54 p.m. and concluded at 8:11 p.m. No action was taken.

- Mayor Yeager stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:12 p.m.”

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Ralph Yeager, Mayor

(SEAL)

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Linda S. Jines, City Clerk