

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, OCTOBER 3, 2017

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

The Alliance City Council met in a Regular Meeting, October 3, 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 27, 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 October 3, 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 Shaver and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
- The first item on the Agenda was the presentation of the following proclamation recognizing October 8 through October 14, 2017 as Fire Prevention Week to members of the Alliance Fire Department:

Proclamation

WHEREAS, the city of Alliance is committed to ensuring the safety and security of all those living in and visiting Alliance; and

WHEREAS, U.S. fire departments responded to 365,500 home fires in 2015, according to the National Fire Protection Association (NFPA); and

WHEREAS, U.S. home fires resulted in 2,560 civilian deaths in 2015, representing the majority (78 percent) of all U.S. fire deaths; and

WHEREAS, newer homes are built with lightweight materials that burn faster than older home constructions and produce toxic gases and smoke when burned, making it impossible to see and breathe within moments; and

WHEREAS, these conditions contribute to a much smaller window of time for people to escape a home fire safely, with people having as little as one to two minutes to escape from the time the smoke alarm sounds; and

WHEREAS, a home fire escape plan provides the know-how to quickly and safely escape a fire situation and includes two exits from every room in the home; a path to the outside from each exit; smoke alarms in all required locations; and a meeting place outside where everyone in the home will meet upon exiting; and

WHEREAS, Alliance first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Alliance residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2017 Fire Prevention Week theme, “Every Second Counts: Plan 2 Ways Out!” effectively serves to educate the public about the vital importance of developing a home fire escape plan with all members of the household and practicing it twice a year;

THEREFORE, I Ralph Yeager Mayor of Alliance do hereby proclaim October 8-14, 2017, as Fire Prevention Week throughout this community. I urge all the people of Alliance to find develop a home fire escape plan with all members of the household and practice it twice a year, and to participate in the many public safety activities and efforts of Alliance’s fire and emergency services during Fire Prevention Week 2017.

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

CONSENT CALENDAR – OCTOBER 3, 2017

1. Approval: Minutes of the Special Meeting, September 29, 2017.
2. Approval: Claims against the following funds for the period September 12, 2017 through September 28, 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; \$30,678.64.
3. Approval: Resolution No. 17-92 authorizing the annual Contribution Agreement for Box Butte Development Corporation in the amount of \$78,200.

4. Approval: Resolution No. 17-93 authorizing the annual Contribution Agreement for Historic Main Street in the amount of \$3,000.
5. Approval: Resolution No. 17-94 authorizing the annual Contribution Agreement for the Alliance Chamber of Commerce in the amount of \$11,000.
6. Approval and Acceptance: The Certificate of Completion for the water and sanitary pipelines, storm sewer infrastructures, street lights and street which were part of the Bomgaar project, as recommended by our engineers Olsson Associates.
7. For Your Information: The City has received notice of the following residential channel lineup changes from Charter Communications:

CHANNEL	CHANGE	CHANNEL NUMBER
Add Hillsong Channel (HD)	Launch on Select/EB (SPP & NPP)	850
Add Hillsong Channel (Olympusat)	Add to Select/EB (SPP & NPP)	149
Sportsman Channel & Sportsman Channel HD	Dropping from channel lineup	411 & 819

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 conducted a Public Hearing on the request of Colby Series, LLC – Tyler Oliver for the vacation of an alley located between Lots 1-3 and 14-16, Block 1, Harris Addition to the City of Alliance. Following the public hearing, Ordinance No. 2849 was introduced on first reading which will approve the alley vacation. Council was provided with the following background information:

[Tyler Oliver of Colby Series 17, LLC, and Mike and Donna Essay, have requested the vacation of the alley right of way between Lots 1-3 and 14-16, Block 1, Harris Addition to the City of Alliance. They propose to combine all six lots into one after the alley vacation for the construction of a retail building.

Harris Addition was platted in 1949 with a layout typical of subdivisions of the era. The lots were each platted 50’ wide, 150’ deep, and each block was split in two by an alley 20’ wide. The alley and lot sizes are not conducive to larger developments.

Directly to the east of Block 1, Harris Addition is Block 2 of Wyoming Avenue Addition. It was replatted in 2008 combining the entire Block as two lots and also vacated the alley. The alley vacation created a dead end at the east end of the alley located in Block 1 in Harris Addition. The alley was replaced by a sewer easement. The applicant is proposing a utility easement to replace the alley so that the City or any private utilities the City has a franchise agreement with, may use the space as they are permitted to now.

Since they are filing a utility easement at the courthouse, utilities were not notified of the proposed alley vacation. They will still be able to locate their infrastructure in the same space.

The City of Alliance Planning Commission met at its regular meeting September 12, 2017 and voted to recommend the vacation of the alley between Lots 1-3 and 14-16, Block 1, Harris Addition to the Alliance City Council making the following findings:

- The alley will be replaced with an easement.
- The alley has been a dead end since the replat of Block 2, Wyoming Avenue Addition.
- The proposed lot would be more suitable for the development of a modern retail establishment.
- The development of the proposed lot would support the Comprehensive Plan as it would allow new development in the West Gateway Neighborhood.]

Mayor Yeager stated “now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the request of Colby Series, LLC – Tyler Oliver for the vacation of an alley located between Lots 1-3 and 14-16, Block 1, Harris Addition to the City of Alliance and opened the public hearing at 7:07 p.m.

Community Development Director Kusek updated Council on the request. It is anticipated to join the six lots into one lot. An easement will be provided as there is a sewer line in the alley being vacated. Construction of the proposed building will not be over the easement which is being provided.

No additional testimony was offered, the Public Hearing closed at 7:09 p.m.

A motion was made by Councilman Jones to suspend the statutory rule requiring three separate readings of Ordinance No. 2849. Councilman Korber-Gonzalez seconded the motion.

Roll call vote to waive the statutory reading with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Jones seconded by Councilman Mischnick to approve Ordinance No. 2849 on final reading. City Clerk Jines read the ordinance by title, which follows in its entirety.

ORDINANCE NO. 2849

AN ORDINANCE OF THE CITY OF ALLIANCE, VACATING THE ALLEY THAT LIES BETWEEN LOTS 1-3 AND 14-16, BLOCK 1, HARRIS ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA.

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

SECTION 1. Colby Series 17, LLC – Tyler Oliver has made an application to the City of Alliance to vacate the alley that lies between Lots 1-3 and 14-16, Block 1, Harris Addition to the City of Alliance, Box Butte County, NE.

SECTION 2. The purpose of the vacation is to allow Colby Series 17, LLC – Tyler Oliver to combine all six lots into one and provide the City with an easement. Colby Series 17, LLC – Tyler Oliver is purchasing the property on both sides of the alley with the intention of building a retail facility.

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

SECTION 4. The above-described alley is now vacated.

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

Roll call vote to approve Ordinance No. 2849 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, “the passage and adoption of Ordinance No. 2849 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- A Public Hearing on the Class C Liquor License Application of Rebeca Acosta Reza, LLC dba Korner Grill, was the next agenda item. Council was provided with the following background information:

[The City is in receipt of a Class C liquor license application from Rebeca Acosta Reza LLC dba Korner Grill, 1203 West 3rd Street. The license application is included in the packet. No disqualifiers came from a background check conducted by the Alliance Police Department.

HEARING PROCESS -

1. Mayor or council member announces agenda item.
2. Mayor opens public hearing and asks clerk what exhibits she has.
3. Clerk identifies application, checklist for 53-132, Chief's report, and other documents she may have received.
4. Mayor asks for a motion that the exhibits be received into the record, second and vote.
5. Mayor asks for those who are going to give testimony to stand and be sworn.
6. Mayor says "do you swear or affirm to tell the truth so help you God".
7. Individuals respond.
8. Those individuals should include the applicant who must prove to the council's satisfaction the elements on the top part of the checklist. They will also include individuals who may speak either in favor or against the application and police chief who will hit the high points of his report.
9. Mayor calls on applicant to make a presentation.
10. While applicant is still at the podium, the Mayor will call on the City Attorney for any questions and to council and himself for questions.
11. Mayor asks for others who wish to speak in favor of the application and follows the same process for questions.
12. Mayor then calls upon those who wish to speak against and follows the same process for questions.
13. Mayor then calls on the police chief for his comments.
14. Mayor asks if there is any other testimony.
15. Mayor closes the public hearing and asks for comment from the City Attorney.
16. Mayor asks for comment from Council and himself.
17. Mayor asks for a motion.
18. The motion is either to make a positive or negative recommendation on the application to the Liquor Control and to reference the elements on the top of the checklist and ask staff to prepare Resolution for the Mayor's signature.
19. After a second, Mayor calls for a vote.]

Mayor Yeager stated "now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the Class C Liquor License Application of Rebeca Acosta Reza, LLC dba Korner Grill and opened the public hearing at 7:11 p.m.

City Clerk Jines presented the following exhibits regarding this matter:

- Exhibit 1 – Class C Liquor License Application of Rebeca Acosta Reza, LLC
- Exhibit 2 – Checklist for 53-132
- Exhibit 3 – Background Report from Police Chief Kiss

Councilman Jones made a motion to accept the exhibits presented into the record. Councilman Mischnick seconded the motion.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

Rebeca Acosta Reza and Police Chief Kiss were sworn in by Mayor Yeager. Ms. Reza described to City Council and Attorney Shaver the steps she will take to insure the security of alcohol on the premises and the training staff will undertake. Police Chief Kiss reported a positive background check which found no disqualifying factors and has recommended approval of the license.

Hearing no further testimony, the Public Hearing closed at 7:23 p.m.

A motion was made by Councilman Jones seconded by Councilman Reynolds to approve Resolution No. 17-95. The resolution follows in its entirety:

RESOLUTION NO. 17-95

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

On October 3, 2017 the matter of the Class C Liquor License application of Rebeca Acosta Reza LLC dba Korner Grill Alliance, NE, came on for consideration by the Council.

The following exhibits were offered and received:

- Exhibit 1 - Application of Rebeca Acosta Reza LLC dba Korner Grill, 1203 West 3rd Street, Alliance
- Exhibit 2 - City Council checklist for Section 53-132 R.R.S. (1984).
- Exhibit 3 - Written statement of Police Chief dated September 8, 2017.

Witnesses were sworn and testimony was received in support of the Class C Liquor License at the public hearing on this date from Rebeca Acosta Reza. Police Chief Kiss testified on behalf of the City of Alliance.

Upon consideration of the evidence and the criteria to be considered by the City Council pursuant to law, the City Council finds as follows:

Applicant complies with the provisions of Section 53-131.01 R.R.S. (2003).

Applicant has met its burden with regard to the checklist that is provided by Section 53-132 R.R.S. (1984) and demonstrates a willingness and ability to properly manage the liquor license held by Rebeca Acosta Reza LLC dba Korner Grill in conformance to the rules and regulations of the Nebraska Liquor Control Act.

Based on the above findings, the City Council recommends to the Nebraska Liquor Control Commission that the Class C Liquor License Application of Rebeca Acosta Reza LLC dba Korner Grill at the premise described in the application be approved with the following conditions:

1. Completion of the Nebraska State Patrol Alcohol Training Program by all staff.

City Clerk shall transmit a copy of this Resolution to the Commission.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was the first reading of Ordinance No. 2850 which will adopt the City Council's meeting calendar for 2018. Council was provided with the following background information:

[Council has previously established its meeting calendar as 7:00 p.m. at the Board of Education Meeting Room on the first and third Tuesdays of each month. At first sight, staff does not see any conflicts to our normal scheduling.

Staff would like Council to consider establishing a Special Meeting for the end of our fiscal year for final bill approval and would recommend Friday, September 28th. This has traditionally been a very short meeting in the morning hours to allow the Finance Department to complete year-end payments.

Although set forth by ordinance, Council may alter the established time and date that is to its members' convenience. Should Council wish to make any further changes, amendments may be made to the ordinance.]

A motion was made by Councilman Jones seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2850. City Clerk Jines read the ordinance by title, which follows in its entirety.

ORDINANCE NO. 2850

AN ORDINANCE ESTABLISHING THE TIME AND PLACE OF REGULAR COUNCIL MEETINGS FOR THE CALENDAR YEAR 2018.

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

SECTION 1. Nebraska Statutes at Section 19-615 provide that ". . . the Council shall meet at such time and place as it may prescribe by ordinance, but not less frequently than twice each month in cities of the first class."

SECTION 2. The City Code provides at Section 2-25, that "The City Council shall hold its regular meeting on the first and third Tuesday of each month. The Council may, by adoption of a calendar each year, establish regular meeting dates other than the first and third Tuesday of each month."

SECTION 3. Attached hereto is a "proposed 2018 calendar," which is incorporated herein by reference as if fully set forth.

SECTION 4. The City Council of Alliance, Nebraska shall conduct regular meetings during calendar year 2018 on the dates that are indicated on the attached proposed 2018 calendar at the hour of 7:00 o'clock P.M. at the Board of Education Room, 1604 Sweetwater Avenue, Alliance, Nebraska. The time and place of these meetings may be changed from time to time as provided by law.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

Motion by Councilman Jones, seconded by Councilwoman Mischnick to suspend the statutory rule requiring three separate readings of Ordinance No. 2850.

Roll call vote to waive the statutory reading with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2850 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, “the passage and adoption of Ordinance No. 2850 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- Resolution No. 17-96 which will award the purchase of an Advanced Metering Infrastructure System from Landis & Gyr in the amount of \$1,123,900.24, was the next discussion item. Council was provided with the following background information:

[The Electric Department is looking to improve and advance our metering system by upgrading to an advanced metering infrastructure (AMI) metering system. This system will allow the City to monitor real time readings and perform disconnects and reconnects from the network computers. This system will also assist with identifying outages and voltage issues that may occur. Implementing this system will reduce the times City employees enter yards to read, reread or disconnect meters.

Olsson and Associates opened bids on September 7, 2017 and completed the review of bids received. There were two qualifying bids received and one that was disqualified due to late submittal, they are as follows.

Vendor	Bid
Landis & Gyr	\$1,123,900.24
Tantalus Systems Corporation	\$1,132,508.00
Honeywell – Elster Group	Late Bid

Olsson and Associates have reviewed bids and recommend awarding the bid to Landis & Gyr. In addition to being the lowest bid for the system, Landis & Gyr are also the lowest cost option for the annual hosting and service fees. Landis & Gyr is a publicly listed, multinational corporation with 45 companies in over 30 countries and headquartered in Zug, Switzerland focused on metering and other technologies and solutions which deal with energy management.

Budget authority for this project is included in the Electric Department’s SCADA System (GL #05-51-53-59-955). Actual funds for the purchase have accumulated in reserves over the past few years after being included within the electric rate structure so that no borrowing will be necessary.]

A motion was made by Councilman Mischnick, seconded by Councilman Reynolds to approve Resolution No. 17-96. The resolution follows in its entirety:

RESOLUTION NO. 17-96

WHEREAS, The City of Alliance Electric Department is desiring to improve and advance our metering system by upgrading to an advanced metering infrastructure (AMI) metering system; and

WHEREAS, Two quotes were received and reviewed by our engineers, Olsson and Associates for an AMI metering system; and

WHEREAS, Staff is recommending the purchase from Landis & Gyr, the low quote in the amount of One Million One Hundred Twenty-three Thousand Nine Hundred and 24/100th Dollars (\$1,123,900.24); and

WHEREAS, Adequate funding is available for this purchase from the Electric SCADA System Account No. 05-51-53-59-955.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor be and hereby is authorized to enter into a purchase agreement with Landis & Gyr in the amount of One Million One Hundred Twenty-three Thousand Nine Hundred and 24/100th Dollars (\$1,123,900.24) for the purchase of an advanced metering infrastructure (AMI) metering system for the Electric Department.

BE IT FURTHER RESOLVED authorization of the purchase agreement is contingent and conditional upon a contract, satisfactory to the City of Alliance, for the installation and maintenance services to the AMI metering system between the City of Alliance and Landis & Gyr.

Council asked a couple of questions which staff will research and get answers for them. (1) will there be guards available that can be provided to customers that have concerns regarding excessive exposure to rays; and (2) can the equipment which services the system fail in a manner which could potentially shut off large portions of our service area?

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The final agenda item were Board appointments and resignations.

Councilman Korber-Gonzalez motioned to appoint Robert H. Cerv III to the Alliance Park and Tree Board. Councilman Mischnick seconded the motion.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Councilman Korber-Gonzalez motioned to appoint Gina Briggs to serve on the Golf Advisory Board. Councilman Mischnick seconded the motion.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

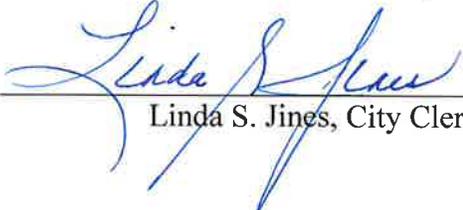
Mayor Yeager acknowledged the letters of resignation of Ray Schleyer from the Park and Tree Board and Jacob Carey from the Planning Commission.

- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:51 p.m."

(SEAL)



Ralph Yeager, Mayor



Linda S. Jines, City Clerk