

**ALLIANCE CITY COUNCIL**

REGULAR MEETING, TUESDAY, DECEMBER 5, 2017

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

The Alliance City Council met in a Regular Meeting, December 5, 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 November 29, 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 December 5, 2017 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Council Members Yeager, Jones, Mischnick, 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 announced the Open Meetings Act was available for the public and posted on the north wall of the audience area.
- The first agenda item was the announcement of new employees; Leigh Shakes, Public Safety Dispatcher; Bonnie Fankhauser, Meter Reader; Carolyn Marlatt, Library Clerk; and April Crowley, Account Clerk II/Payroll. The appointment of Rocky Bell to the Civil Service Commission was also announced.
- 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 – DECEMBER 5, 2017

1. Approval: Minutes of the Regular Meeting, November 21, 2017.
2. Approval: Payroll Costs for the period November 4, 2017 through November 17, 2017: \$209,826.12.

3. Approval: Claims against the following funds for the period November 16, 2017 through November 29, 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; \$395,800.61.
4. Approval: The issuance of the following Cemetery Certificates:
- The West Half (W½) of Lot Four (4), Section Five (5), Block Twenty-two (22), Alliance Cemetery Fourth Addition to Gerald H. Bendickson and Megan N. Loutzenhiser.
- The acceptance of a Quitclaim Deed from Mike Dafney for the West One-Half (W½), the Northeast Quarter (NE¼) and the North Half of the Southeast Quarter (N½SE¼) of Lot Nine (9), Section Five (5), Block Four (4), Original Plat to the Alliance Cemetery.
- Lot Sixteen (16), Section Two (2), Block One (1), Third Addition to the Alliance Cemetery to Mike Dafney and Helen Dafney.
- The transfer from Diane Wulff and Daryl Wulff of the West Half (W½) of Lot Fourteen (14) and the West Half (W½) of Lot Fifteen (15), Section Nine (9), Block Twenty (20), Third Addition to the Alliance Cemetery to Diane Wulff.
5. Approval: To submit our annual Tree City USA 2017 Application for Certification. The City of Alliance has met the requirements to make the submittal.
6. Approval: To enter into an amendment to our contract with SCS Engineers to perform a solid waste rate study for the solid waste collections and landfill operations.

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, Jones, Mischnick, Korber-Gonzalez, Reynolds.

Voting Nay: None.

Motion carried.

- The next item on the agenda, was a conflict claim in the amount of \$20,016.00 for cement street repairs completed by Reza and G's Construction.

A motion was amde by Councilman Reynolds, seconded by Councilman Mischnick to approve the Conflict Claim.

Roll call with the following results:

Voting Aye: Jones, Mischnick, Yeager, Reynolds.

Voting Nay: None.

Abstain: Korber-Gonzalez.

Motion carried.

- A Public Hearing on the Rezoning Request of Terry and Yvette Peltz to rezone the western .29 acre of an unplatted, 10 acre tract of land was the next item before Council. Council was provided with the following information:

[Terry and Yvette Peltz have submitted an application to rezone two tracts of land so they may subdivide it from their land and combine it with the lots to the west. The two tracts combined total .29 acres. The tracts of land are located east of the intersection of West Lakefield Drive and 29th Street.

The proposed rezone will change the side setbacks from 15 feet to 3 feet for principal structures, side street setbacks from 50 feet to 15 feet, the front setbacks from 50 feet to 25 feet, and the rear setbacks from 50 feet to 25 feet.

The City of Alliance Comprehensive Plan identifies this area as the Northside Neighborhood. It is noted for being predominantly residential in land use. This rezone would keep the land use consistent with the Comprehensive Plan.

The City of Alliance Planning Commission met at their regular meeting on November 14, 2017 and voted to recommend that the City Council approve the rezone from R-R, Rural Residential to R-1, Single-Family Residential, for two tracts of land located in a Part of Unplatted Lands in the Southwest Quarter of Section 24, Township 25 North, Range 48 West of the 6th P.M. making the following findings of fact:

1. The proposed rezone is adjacent to existing R-1 Single-Family Residential and would not constitute a spot zone.
2. The replatted lots will meet the minimum size requirements of the proposed zoning district.
3. The rezone would preemptively deal with the situation of the proposed lots sitting in two different zoning districts as the Final Plat of Lots 1A and 3A, Block 8, and Lots 9A and 11A, Block 12, A Replat of Lots 1 Thru 4, Block 8, and Lots 7 Thru 10, Block 12, Lakefield Addition makes its way through the platting process.
4. The rezone of the property is consistent with this area of town's identification in the Comprehensive Plan as predominantly residential.]

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 rezone request of Terry and Yvette Peltz” and opened the Public Hearing at 7:04 p.m.

Community Development Director Brent Kusek was present to answer questions of the Council and staff.

Terry Peltz, 306 West 29<sup>th</sup> Street was present to answer questions of Council and staff. Mr. Peltz also requested Council considering the waiving of the three readings of Ordinance No. 2851 on three different dates.

With no additional testimony was offered, Mayor Yeager closed the Public Hearing at 7:06 p.m.

A motion was made by Councilman Jones, seconded by Councilman Reynolds to waive the statutory rule requiring three separate readings.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated “five votes in favor of the motion have been received. That being more than  $\frac{3}{4}$  of the council present, the motion is declared passed.”

A motion was made by Councilman Reynolds, seconded by Councilman Korber-Gonzalez to approve Ordinance No. 2851 on final reading. City Clerk Jines read the ordinance by title which follows in its entirety:

#### ORDINANCE NO. 2851

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 WESTERN .29 ACRE OF AN UNPLATTED, 10 ACRE TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH PM., BOX BUTTE COUNTY, NEBRASKA IS NOW INCLUDED AS A R-R (RURAL RESIDENTIAL) DISTRICT FROM A R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT, AND REPEALING PRIOR SECTIONS.

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

SECTION 1. Section 115-76 of the Alliance Municipal Code is amended to provide as follows:

115-76. DISTRICT MAP ADOPTED

- (a) Boundaries of the districts, as enumerated in section 115-75 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.
- (b) 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 5th day of December, 2017, is now the official Zoning District Map.

SECTION 2. Previously existing Section 115-76, 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.

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

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated the passage and adoption of Ordinance No. 2851 was concurred by a majority of all members elected to Council and declared it passed, adopted, and ordered it published.

- A Public Hearing on the Final Plat for parts of Blocks 8 and 12, Lakefield Addition and unplatted lands of Peltz to the City of Alliance, Nebraska, was the next discussion. Council was provided with the following information:

[The City of Alliance is in receipt of an application for a Final Plat from Terry and Yvette Peltz as the land owners from which the land is being subdivided from and Eric and Sarah Arneson, Ed and Sharon Rhoads, Martin and Rose George, and Scott and Sandy Dietrich, who own the lots the Peltz land will be combined with.

The Final Plat shows the removal of approximately .29 acre of land from the Peltz tract and combines it with Lots 1 thru 4, Block 8, and Lots 7 thru 10, Block 12, Lakefield Addition to the City of Alliance.

The lots adjacent to West Lakefield Drive are zoned R-1, Single-Family Residential. Lands of Peltz are zoned R-R, Rural Residential. The strips of land being platted into the west lots are being rezoned from RR to R-1 with the Final Plat. The property is generally bound along the northwest, west, and southwest by R-1, Single-Family Residential and to the north, south, and east by RR, Rural Residential.

Similar to the Thompson-Kelly plat, there is a large amount of drainage easement deeded to the City on the east side of the Peltz Tract. The Planning Commission made the recommendation that said easement be shown on the final plat. Staff and the property owner recommended adding an additional 5 feet of easement along the east side of the existing 10 foot easement that is adjacent to the rear property lines of the lots platted in Lakefield Addition since there are multiple utilities back there and they are stacking on top of each other. These recommended changes have been included on the final plat.

The City of Alliance Planning Commission met at its regular meeting on November 14, 2017 and found that the material presented to them was satisfactory. They voted affirmative on a recommendation to the Alliance City Council for the approval of the Final Plat of Lots 1A and 3A, Block 8, and Lots 9A and 11A, Block 12, A Replat of Lots 1 Thru 4, Block 8, and Lots 7 Thru 10, Block 12, Lakefield Addition to the City of Alliance, Nebraska, and also a Part of Unplatted Lands in the Southwest Quarter of Section 24, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska after making the following finding:

The use of these properties is allowed in the zoning district and is consistent with this neighborhoods identity as described by the Comprehensive Plan.]

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 Final Plat for parts of Blocks 8 and 12, Lakefield Addition and unplatted lands of Peltz to the City of Alliance, Nebraska, and opened the public hearing at 7:08 p.m.

Councilman Jones motioned to waive the statutory rule requiring three separate readings of the Ordinance No. 2852 on three different days. Councilman Reynolds seconded the motion.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated “five votes in favor of the motion have been received. That being more than  $\frac{3}{4}$  of the council present, the motion is declared passed.”

A motion was made by Councilman Korber-Gonzalez, seconded by Councilman Mischnick to approve Ordinance No. 2852 on final reading. City Clerk Jines read the ordinance by title which follows in its entirety:

#### ORDINANCE NO. 2852

AN ORDINANCE APPROVING THE FINAL PLAT OF LOTS 1A AND 3A, BLOCK 8, AND LOTS 9A AND 11A, BLOCK 12, A REPLAT OF LOTS 1 THRU 4, BLOCK 8, AND LOTS 7 THRU 10, BLOCK 12, LAKEFIELD ADDITION TO THE CITY OF ALLIANCE, NEBRASKA, AND ALSO A PART OF UNPLATTED LANDS IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6<sup>TH</sup> P.M., BOX BUTTE COUNTY, NEBRASKA.

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

SECTION 1. The City of Alliance has received the application for approval of the Final Plat of Lots 1a and 3a, Block 8, and Lots 9a and 11a, Block 12, A Replat of Lots 1 Thru 4, Block 8, and Lots 7 Thru 10, Block 12, Lakefield Addition to the City of Alliance, Nebraska, and also a Part of Unplatted Lands in the Southwest Quarter of Section 24, Township 25 North, Range 48 West of the 6<sup>th</sup> P.M., Box Butte County, Nebraska from Terry Peltz and Yvette Peltz.

SECTION 2. The Planning Commission held a public hearing November 14, 2017, and has recommended the approval of the Final Plat of Lots 1a and 3a, Block 8, and Lots 9a and 11a, Block 12, A Replat of Lots 1 Thru 4, Block 8, and Lots 7 Thru 10, Block 12, Lakefield Addition to the City of Alliance, Nebraska, and also a Part of Unplatted Lands in the Southwest Quarter of Section 24, Township 25 North, Range 48 West of the 6<sup>th</sup> P.M., Box Butte County, Nebraska.

SECTION 3. The Final Plat of Lots 1a and 3a, Block 8, and Lots 9a and 11a, Block 12, A Replat of Lots 1 Thru 4, Block 8, and Lots 7 Thru 10, Block 12, Lakefield Addition to the City of Alliance, Nebraska, and also a Part of Unplatted Lands in the Southwest Quarter of Section 24, Township 25 North, Range 48 West of the 6<sup>th</sup> P.M., Box Butte County, Nebraska is hereby approved by the City of Alliance and shall be filed with the County Clerk as provided by City Code and State law within 30 days of this approval. The plat map which has been prepared is a part of these proceedings and is attached hereto and is incorporated herein and made a part hereof by reference.

SECTION 4. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated the passage and adoption of Ordinance No. 2852 was concurred by a majority of all members elected to Council and declared it passed, adopted, and ordered it published.

- Resolution No. 17-114 approving Housing Partners of Western Nebraska to provide case management and housing rental assistance for homeless veterans in our area was the next item on the agenda.

A motion was by Councilman Jones to approve Resolution No. 17-114. Councilman Mischnick seconded the motion. Resolution No. 17-114 follows in its entirety.

#### RESOLUTION NO. 17-114

*WHEREAS*, Housing Partners of Western Nebraska is requesting the support of the City of Alliance for case management and housing rental assistance for homeless veterans within the City of Alliance; and

*WHEREAS*, The City of Alliance recognizes there is a need for veterans' services within our community; and

*WHEREAS*, Housing Partners of Western Nebraska will be able to provide the VASH (Veterans' Assisted Supportive Housing) Program and has received the approval of the Alliance Housing Authority for this purpose.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the Council recognizes the need for case management and housing rental assistance for homeless veterans and approves the Housing Partners of Western Nebraska to provide the VASH Program in the City of Alliance.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was Resolution No. 17-115 authorizing the purchase of a power-assisted patient cot from Ferno in the amount of \$33,833.16. The following background information was provided to Council:

[A total of \$35,000 was budgeted in the FY17-18 capital plan to purchase an additional power-assisted patient cot.

The Alliance Fire Department is a member of FireRescue GPO. FireRescue GPO is a national cooperative procurement program of NPPGov, providing fire and rescue departments' access to contracts created through a public RFP process by a Lead Public Agency. Member departments "piggyback" on the contract, eliminating the need to complete their own RFP process.

Fire Department staff has contacted the FireRescue GPO to take advantage of Ferno's FireRescue GPO contract #VH11239 to purchase the powered patient cot. Staff has received pricing from the Ferno representative with the quotation reflecting the FireRescue GPO discount pricing of 25% off list pricing. The actual cost before utilizing the FireRescue GPO would be \$41,336.00 with a savings of \$7,849.84 using the FireRescue GPO contract.

Fire Department Staff is requesting the proposal dated November 9, 2017 at the stated cost of \$33,833.16 be approved. The fire department has sufficient budget authority in Capital Outlay – Equipment (GL 01-37-38-59-950) for this purchase. If approved, the purchase of the Ferno INX power cot will come in under budget by \$1,166.84.]

A motion was made by Councilman Mischnick, seconded by Councilman Jones to approve Resolution No. 17-115 which follows in its entirety.

#### RESOLUTION NO. 17-115

*WHEREAS*, The City of Alliance owns and operates the emergency ambulance response service for the residents and guests of the City of Alliance; and

*WHEREAS*, The City of Alliance is seeking to purchase a power-assisted patient cot; and

*WHEREAS*, The City received quotes from FireRescue GPO which is a national cooperative procurement program of NPPGov, providing fire and rescue departments access to contracts created through a public Request for Proposals process; and

*WHEREAS*, Staff has received a quote from Ferno of Wilmington, Ohio in the amount of Thirty-three Thousand Eight Hundred Thirty-three Dollars and 16/100ths (\$33,833.16).

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that authorizes the purchase of power-assisted patient cot from Ferno in the amount of Thirty-three Thousand Eight Hundred Thirty-three Dollars and 16/100ths (\$33,833.16) from Account No. 01-37-38-59-950.

*BE IT FURTHER RESOLVED* that the City Manager is authorized to execute the documents associated with this purchase.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- Council next reviewed Resolution No. 17-116, authorizing the purchase of a 2018 Ford Fusion from Cover Jones Motor Company in the amount of \$16,992. Council was provided with the following information:

[The City is currently in need of a replacement fleet travel car. There are presently two travel cars: a 2012 Ford Fusion with 76,000 miles and a 2004 Ford Taurus (transferred from police administration) with 115,000 miles. Extensive general fund staff travel will continue for the orientation and ongoing training of police staff as well as other administrative meeting and training travel. A recent analysis of travel vehicles indicated that the continued use of city-owned vehicles would be preferential to rental of vehicles or payment of mileage to employees for use of personal cars.

The State of Nebraska bids were utilized for pricing of travel car options with the details included below. The Cover-Jones bid is \$256 below the State bid for a 2018 Ford Fusion when considering the drop-ship charge. Delivery time is estimated at 90-120 days.

<b>Vehicle Description</b>	<b>Vendor</b>	<b>Price</b>
2018 Ford Fusion	Cover-Jones Motor Co.	\$16,992
2018 Ford Fusion	State of Nebraska Bid	\$17,248
2018 Chevy Malibu	State of Nebraska Bid	\$17,957

The 2004 Ford Taurus will be transferred to the Utility Customer Service Office for use by meter readers and will allow the retirement of the 2000 Ford Ranger. With the recent rehab of the 2001 Toyota Prius hybrid and the transfer of the 2009 Ford Ranger from the Water Department, the meter readers will have three reliable vehicles and no vehicle purchase will be required in that department. The former travel car (a 2001 Ford Crown Victoria) was recently sold for \$2,458.86 as salvage following an accident.

The proposed resolution will authorize the purchase of a 2018 Ford Fusion from Cover-Jones Motor Co. in the amount of \$16,992. The approved budget authority is \$20,000 in Capital Outlay-Vehicles (G/L 01-41-46-59-960).]

Motion by Councilman Korber-Gonzales, seconded by Councilman Mischnick to approve Resolution No. 17-116 which follows in its entirety.

Roll call with the following results:

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

Voting Nay: None.

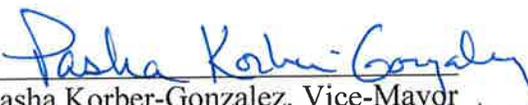
Motion carried.

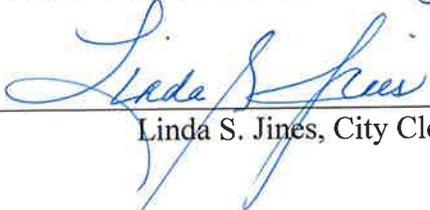
- The final item before Council were Board vacancy announcements.

It was announced the City currently is seeking members for the Board of Adjustment, Downtown Improvement Districts A-1 and A-2, Economic Development Plan Citizen Advisory Board, two junior ex-officio members of the Library Board and the Planning Commission. Anyone interest in serving on these Boards should contact the City Clerk's Office. Information on all of the City Boards is available on the web site, [www.cityofalliance.net](http://www.cityofalliance.net).

- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:15 p.m."

(SEAL)

  
Pasha Korber-Gonzalez, Vice-Mayor

  
Linda S. Jines, City Clerk

