

February 6, 2018

# ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, FEBRUARY 6, 2018

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

The Alliance City Council met in a Regular Meeting, February 6, 2018 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 January 31, 2018. 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 February 6, 2018 Regular Meeting of the Alliance Nebraska City Council at 7:00 p.m. Present were Council members Yeager, Korber-Gonzalez, Mischnick, and Jones. 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.
- A motion was by Councilman Korber-Gonzalez to excuse Councilman Reynolds from the meeting. Councilman Mischnick seconded the motion.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

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- The first item on Council's agenda was the Consent Calendar. A motion was made by Councilman Mischnick, seconded by Councilman Korber-Gonzalez to approve the Consent Calendar.

CONSENT CALENDAR – FEBRUARY 6, 2018

1. Approval: Minutes of the Regular Meeting, January 16, 2018.
2. Approval: Payroll Costs for the period December 30, 2017 through January 12, 2018: \$212,308.30.
3. Approval: Claims against the following funds for the period of January 11, 2018 through February 1, 2018: 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: \$394,733.93.
4. For Your Information: Attached is a listing of Demand Checks which were generated over the last financial quarter ending December 31, 2017. The report lists checks that have been issued which are not expenses within the budget. These are primarily made up of fund transfers, meter deposit refunds, utility overpayments and an occasional check which was required to be reissued.
5. Approval: Resolution No. 18-11 approving the 2018 Maintenance Agreement No. 3 with the Nebraska Department of Transportation. This Agreement defines the maintenance responsibilities of the City and NDOT for State highways within the city limits.
6. Approval: Nebraska Department of Transportation Certificate of Compliance. This Certificate certifies that the City of Alliance performed all roadway snow removal and/or surface maintenance required as a result from Maintenance Agreement No. 3. Completion of the work was verified with Water, Sewer & Street Superintendent Grant.
7. Approval: The request of the Alliance Chamber of Commerce to utilize the Hal Murray Softball Complex for the annual Easter Egg Hunt to be held on Tuesday, March 27, 2018 between 2:00 p.m. and 5:00 p.m. The alternate date will be Thursday, March 29, 2018. A Certificate of Insurance will be required no later than one week prior to the event.
8. For Your Information: Attached is a copy of the Annual Certification Form from the City of Alliance to the Nebraska Department of Transportation (Roads) for the Federal-Aid Transportation Fund Purchase-Sale Agreement.
9. Approval: The issuance of the following Contractor licenses:
 

Tree Surgeon	Glenn Patrone dba Patrone Landscaping & Tree Care
Groundwork	Patrick Von Seggern dba Adams Civil Resources, LLC

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.

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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.

Voting Nay: None.

Motion carried.

- The third reading of Ordinance No. 2853 which will change fishing regulations for Laing Lake within the Municipal Code. Council was provided with the following background information:

[Due to the completion of the Laing Lake renovation project, the Nebraska Game and Parks Commission has prepared a revised Fisheries Management Plan, which is included for your review. As part of the plan, the Nebraska Game and Parks Commission are proposing a change to the fishing regulations at Laing Lake. The revised regulations reduce the restrictions and are far less complex than previous guidelines. They are recommending that anyone 16 years of age or over catch and release only and anyone under 16 years of age be allowed a bag limit in compliance with statewide regulations.

Staff recommends the revision of City fishing regulations to comply with the suggestions from the Nebraska Game and Parks Commission.]

A motion was made by Councilman Korber-Gonzalez to approve the third reading of Ordinance No. 2853. Councilman Mischnick seconded the motion. City Clerk Jines read the ordinance by title which follows is its entirety:

#### ORDINANCE NO. 2853

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE BY MODIFYING SECTION 16-83 RELATING TO FISHING REGULATIONS AT LAING LAKE, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE WHICH ARE INCONSISTENT WITH THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Alliance Municipal Code at Section 16-83 shall be amended as follows:

Sec. 16-83. - Fishing.

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- (a) Fishing shall be permitted in Laing Lake by persons of all ages that comply with the licensing requirements set forth by the Nebraska Game and Parks Commission during open park hours.
- (b) Limits. Persons less than 16 years of age may harvest fish in accordance with the daily and possession limits, including size limits, set forth by the Nebraska Game and Parks Commission. Persons 16 years of age and older are not permitted to keep fish and must release immediately into the water all fish of any species caught.
- (c) All persons fishing in Laing Lake shall comply with the Nebraska Game and Parks Commission laws and regulations except as set forth herein.
- (d) Ice fishing shall be permitted unless posted otherwise.

SECTION 2. All ordinances or parts of ordinances passed and approved prior to passage, approval and publication of this ordinance in conflict herewith are now repealed.

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

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated the passage and adoption of Ordinance No. 2853 has been concurred by a majority of all members elected to Council I declare it passed, adopted and ordered it published.

- The next item before Council was Resolution No. 18-12 which approves the Preliminary Plat for Block 1, Hoffman Acres. Council was provided with the following background information:

[The City of Alliance is in receipt of an application for a preliminary plat from John and Debra Hoffman. The preliminary plat shows the dedication of a 3.18-acre lot. The property to be subdivided is located approximately 1,300 feet south of the intersection of South Mississippi Avenue and Kansas Street.

The minimum lot size in Agriculture zoning is 10 acres. The applicant is proposing a rezone to R-R, Rural Residential for the 3.18 acre block. The minimum lot size in RR is 2.5 acres. It is bordered by Agriculture on the north, east, and south property lines, and adjacent to R-R, Rural Residential along the west property line.

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Using old aerial photographs, staff determined that the house has been at this location since at least 1939 and that it was most likely a homestead for the agriculture lands surrounding it. The property owner wants to separate the land that the house is on and the farm ground surrounding it so that they may sell the house and keep the land. Access to the proposed lot will be handled as it is now. There is an access easement from the north that connects this property, as well as the other existing dwellings in this area, with Kansas Street.

The City of Alliance Planning Commission met at its regular meeting January 9, 2018 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 preliminary plat of Block 1, Hoffman Acres, a Subdivision of a Part of the East Half of the Southwest Quarter of the Northeast Quarter of Section 3, Township 24 North, Range 48 West of the 6th P.M. Box Butte County, Nebraska, provided the easement dedicated on the final plat is to the current and all future owners of Block 1, Hoffman Acres and not the City, and that the zoning designation for lands of Kevin Nepper be corrected from Ag to R-R, Rural Residential on the preliminary plat.

The Planning Commission made the following findings in their motion:

1. The current use of this property is allowed in the proposed zoning district.
2. The single family residence already exists so there will not be any negative impact on traffic or utility services.
3. There will not be any nonconforming structures created by the plat.]

A motion was made by Mayor Yeager, seconded by Councilman Jones to approve Resolution No. 18-12, which follows in its entirety:

#### RESOLUTION NO. 18-12

*WHEREAS*, The City of Alliance has received an application from John and Debra Hoffman for approval of the Preliminary Plat of Block 1, Hoffman Acres, A Subdivision of a Part of the East Half of the Southwest Quarter of the Northeast Quarter of Section 3, Township 24 North, Range 48 West of the 6<sup>th</sup> P.M., Box Butte County, Nebraska; and

*WHEREAS*, The Planning Commission held a public hearing on January 9, 2018, and has recommended the approval of the Preliminary Plat; and

*WHEREAS*, The Preliminary Plat contains information required by the City Code at Section 113-70, which is relevant to this request.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the Preliminary Plat of John and Debra Hoffman for approval of the Preliminary Plat of Block 1, Hoffman Acres, A Subdivision of a Part of the East Half of the Southwest Quarter of the Northeast Quarter of Section 3, Township 24 North, Range 48 West of

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the 6<sup>th</sup> P.M., Box Butte County, Nebraska is hereby approved and the subdividers are authorized to proceed with any required public works elements and preparation of a Final Plat.

*BE IT FURTHER RESOLVED* that this approval shall expire one year from this date unless the Final Plat has been submitted. This approval does not constitute Final Plat approval or guarantee the approval of the subdivision by the City Council or the City Council's authorization to proceed with construction of improvements within the subdivision.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 18-13 which authorizes the Alliance Disc Golf Committee to solicit funds in order to expand the Disc Golf Course at Laing Park was the next matter before Council.

A motion was made by Councilman Mischnick, seconded by Councilman Jones to approve Resolution No. 18-13, which follows in its entirety:

#### RESOLUTION NO. 18-13

*WHEREAS*, The Alliance City Council has authorized the expansion and renovation of the disc golf course located at Laing Lake; and

*WHEREAS*, The Alliance Disc Golf Committee has met with the Alliance Park Foundation and the Foundation has agreed to match up to \$4,000.00 to the funds they raise for this project along with a starter donation of \$5,000; and

*WHEREAS*, The Alliance Disc Golf Committee is requesting permission to conduct a fundraising campaign which will consist of mailings to commercial businesses, civic organizations and individuals requesting monetary donations in support of the renovation and expansion of the disc golf course located at Laing Lake; and

*WHEREAS*, The Committee would like to acknowledge larger donors by allowing their name or logo on the tee signs throughout the course, of which there will be 18; and for the remaining donors to be jointly acknowledged with some form of signage at the beginning of the course.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the Alliance Disc Golf Committee working through the Alliance Parks Foundation, may begin fundraising with the mailing campaign to commercial businesses, civic organizations and individuals for monetary donations.

*BE IT FURTHER RESOLVED* the Council will allow the acknowledgement of larger donors to be included on the 18 tee signs throughout the course and the remaining donors will be

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jointly acknowledged with some form of signage at the beginning of the course which will be pre-approved by the Council at a later date.

Members of the Alliance Disc Golf Committee were present to answer any questions of Council and expressed their appreciation to the Council.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- Next item before Council was Resolution No. 18-14 which will approve the Engineering Contract with M.C. Schaff and Associates, Inc. In the amount of \$70,500 for the replacement of Warehouse No. 3000 at the Alliance Airport. Council was provided the following background information:

[Airport Building #3000 was destroyed in a storm on June 12, 2017. The building was leased to Vitalix Inc. at the time of the storm. An insurance claim has been filed and replacement of the building has been approved. M.C. Schaff & Associates has been contacted to provide engineering services for this project.

A “pre-engineered” steel storage building will replace building #3000. The replacement building will utilize the current concrete floor and location of building #3000 but will be slightly smaller. The replacement of this building is not a simple replacement due to the new storage building that was built next to building #3000 and with the new building being required to be constructed around the current boiler equipment of Vitalix.

The consultant fees are for the design, bidding and construction oversight of the replacement building in the amount of \$70,500. All expenses of the storm-related construction are booked under the Airport account Capital Outlay-Buildings (GL #22-41-43-59-915).]

A motion was made by Mayor Yeager, seconded by Councilman Korber-Gonzalez to approve Resolution No. 18-14 which follows in its entirety.

#### RESOLUTION NO. 18-14

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

*WHEREAS*, Warehouse Building No. 3000 which is owned by the City of Alliance and leased to Vitalix was destroyed in a storm on June 12, 2017; and

*WHEREAS*, The City is working with our insurance carrier for the replacement of the building; and

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*WHEREAS*, M.C. Schaff & Associates, Inc. has submitted a proposal in the amount of Seventy Thousand Five Hundred Dollars and no/100ths (\$70,500) to provide the necessary engineering services to include design, bidding and construction oversight of the replacement building.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign the documents associated with the Proposal from M.C. Schaff & Associates, Inc. for the necessary engineering services to include design, bidding and construction oversight of the replacement building.

*BE IT FURTHER RESOLVED* that payment for this service will be made from Account No. 22-41-43-59-915, Airport Capital Outlay-Buildings.

Council had several questions regarding the proposal. They wanted to be reassured that the footings for the project were included within their proposal. It was asked if the engineer would be responsible for the building construction should they miss something during their inspections. Lastly, Council requested if it would be possible to receive a more detailed breakdown of the proposed charges.

A motion was made by Councilman Mischnick to table action on Resolution No. 18-14. The motion was seconded by Councilman Jones.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- Next matter before Council was Resolution No. 18-15 which authorizes staff to enter into an Agreement with the Federal Aviation Administration for support of a technician during the Runaway 8/26 Project.

A motion was made by Councilman Yeager, seconded by Councilman Jones to approve Resolution No. 18-15, which follows in its entirety.

#### RESOLUTION NO. 18-15

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

*WHEREAS*, The City of Alliance continues to work on the rehabilitation of Runway 8/26 which is anticipated to occur this summer; and

*WHEREAS*, In order to maintain our weekend flight service during the construction process, the City must secure the services of a Qualified Technician to turn off and turn on equipment during the Airport Runway 8/26 refurbishment project work; and

*WHEREAS*, The Federal Aviation Administration has agreed to provide the necessary services for up to six weeks in a row for this project.

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*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign the documents associated with the Non-Federal Reimbursable Agreement between Department of Transportation, Federal Aviation Administration and the City of Alliance.

*BE IT FURTHER RESOLVED* that payment for this service will be made in advance of the services per the Agreement, with any excess being refunded.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 18-16 which authorizes staff to apply for funding through the Federal Aviation Administration for a new snow blower at the Alliance Airport was now before Council for consideration. Council was provided with the following background information:

[The Alliance Airport owns a 2003 International Kodiak Northwestern snow blower that is an essential piece of equipment during snow removal operations because it allows the snow to be blown beyond the safety area of the runways. Unfortunately, this piece of equipment has been out of operation since 2015, when the blower rotor ceased operation. The shaft that turns the rotor which allows the snow to be picked up and then blown is the problem. The shaft has two different parts to it, the front drive shaft can be rebuilt by Kodiak and the rear drive unit has to be sent in to the manufacturer through Kodiak. The original estimated time frame for the rebuild was five months.

In March 2015, staff presented to Council the repair estimate for the blower in the amount of \$11,600 and that budget authority was forwarded to the 2015-16 fiscal year. Staff was notified in October 2015 that the repairs had not been completed and that the original quoted amount was not accurate. The repairs were then estimated at \$24,800 and should be completed in nine weeks. The repairs were completed in February 2016 with the final bill presented to council being \$25,693.14.

The snow blower was used in early 2016 for training of new personnel and then was not needed until January of 2017 when the blower rotor ceased operations again. The snow blower had only six to eight hours of operation before it broke, again. Airport staff tried a number of less costly repairs before hiring Weare Diesel Service to trouble shoot and hopefully repair the blower. The end result was the main shaft had snapped. The shaft was shipped to determine if it was faulty and under warranty in June of 2017. The company has notified Weare Diesel that it was not a faulty shaft. The estimate to replace this shaft and the pump would be roughly \$20,000. Airport staff is not confident in this number due to past history

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of quoted amounts not being correct. Weare Diesel has stated that they do not see how the shaft could not have been defective which causes additional hesitation in regard to repair of this equipment.

Currently a snow blower is on the FAA capital improvement project schedule for 2020 which means the airport would not receive a new blower until 2021. Airport staff is requesting the permission expedite the purchase a new snow blower. The City of Alliance may have an opportunity to take advantage of funds forfeited by other airports and purchase a snow blower as an FAA capital improvement project yet this year. FAA would fund 90% and the City would be responsible for 10%. The estimated cost of this project could be \$750,000. The City of Alliance may have expense of up to \$10,000 this fiscal year with the remaining balance occurring in next fiscal year.]

A motion was made by Councilman Krober-Gonzalez, seconded by Councilman Mischnick to approve Resolution No. 18-16, which follows in its entirety.

RESOLUTION NO. 18-16

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

*WHEREAS*, The City of Alliance has an opportunity to apply for grant funding from the Federal Aviation Administration for the purchase of a new snow blower to be utilized at the Alliance Airport; and

*WHEREAS*, Funding will require a 10% City match which is estimated at \$75,000; and

*WHEREAS*, Staff strongly recommends applying for such funds from the Federal Aviation Administration for the purchase of a new snow blower at the Alliance Municipal Airport as it is vitally necessary for the operation of the airport; and

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, authorizes staff to pursue potential funding through the Federal Aviation Commission for the purchase of a snow blower for the Alliance Municipal Airport.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council was the First Quarter (October 1<sup>st</sup> through December 31<sup>st</sup>) Financial Report and Dashboard presentation.

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Assistant City Manager/Finance Director Waggener presented and reviewed the First Quarter Financial Report and Dashboards to Council.

A motion was made by Mayor Yeager, seconded by Councilman Mischnick to accept the First Quarter Financial Report.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- The last matter before Council were board resignations, appointments and announcements.

A motion was made by Councilman Mischnick, seconded by Councilman Korber-Gonzalez to accept the resignation of Bridget Miller from the Economic Development Plan Citizen Advisory Board.

Roll call with the following results:

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

Voting Nay: None

Motion carried.

A motion was made by Councilman Mischnick, seconded by Councilman Jones to reappoint Robbie Cerv to serve on the Park and Tree Board for an additional three years.

Roll call with the following results:

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

Voting Nay: None

Motion carried.

A motion was made by Councilman Mischnick, seconded by Councilman Korber-Gonzalez to reappoint Roger Bunnell to serve on the Park and Tree Board for an additional three years.

Roll call with the following results:

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

Voting Nay: None.

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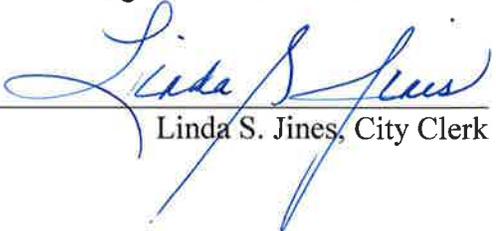
Motion carried.

Currently we have vacancies on the Board of Adjustment, Downtown Improvement Districts A-1 and A-2, Economic Development Plan Citizen Advisory Board, two junior ex-office members of the Library Board, and Planning Commission. At the end of February, there will be vacancies on the Park and Tree Board and the Senior Facility Advisory 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).

- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:55 p.m."

(SEAL)

  
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Ralph Yeager, Mayor

  
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Linda S. Jines, City Clerk