

April 3, 2018

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, APRIL 3, 2018

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

The Alliance City Council met in a Regular Meeting, April 3, 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 March 28, 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 April 3, 2018 Regular Meeting of the Alliance Nebraska City Council at 7:02 p.m. Present were Mayor Yeager, Council Members Korber-Gonzalez, Mischnick, Jones and Reynolds. Also present were City Manager Kuckkahn, Assistant City Manager/Finance Director Waggener, City Attorney Olsen and City Clerk Jines.

- Mayor Yeager announced the Open Meetings Act was available for the public posted on the north wall of the audience area.
- The first item on Council’s agenda was the presentation of a Proclamation declaring the week of April 8-14, 2018 as Public Transit Week. The Proclamation reads as follows:

PROCLAMATION

WHEREAS: The City of Alliance operates the Box Butte County Public Transit Program;
 and

WHEREAS: Box Butte County Public Transit benefits the citizens of Alliance and as well as our neighboring community of Hemingford; and

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WHEREAS: Public Transit has an essential role in providing affordable transportation to individuals for their medical and shopping needs allowing them to maintain their independence; and

WHEREAS: Public Transit also allows our non-driving citizens to remain involved and active within our community.

NOW, THEREFORE, I, Ralph Yeager, Mayor of Alliance, Nebraska, do hereby proclaim April 8-14, 2018, as Public Transit Week, and encourage residents to recognize the positive impact the public transit gives to 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 3rd day of April in the year of the Lord Two Thousand Eighteen.

Next before Council was the presentation of a Proclamation declaring the day of April 9, 2018 as National Linemen Appreciation Day. The Proclamation reads as follows:

PROCLAMATION

WHEREAS, the City of Alliance would like to recognize and celebrate the profession of Linemen and wishes to honor their exemplary services to the City of Alliance and our community; and

WHEREAS, Linemen are often first responders during storms and other catastrophic events, working to make a scene safe for the citizens; and

WHEREAS, Linemen work with thousands of volts of electricity high atop power lines 24 hours a day, 365 days a year, to keep electricity flowing in our community, and

WHEREAS, Linemen work under dangerous conditions, putting their lives on the line every day to construct and maintain the energy our City needs to run to operate.

THEREFORE, BE IT RESOLVED that I, Ralph Yeager, Mayor of Alliance, do hereby proclaim April 9, 2018, as National Linemen Appreciation Day, and encourage residents to recognize the hard work and commitment our Linemen do for our City. And encourage everyone to take a moment to thank a line worker for everything they do to keep the lights on, ensuring and enhancing our quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 3rd day of April in the year of the Lord Two Thousand Eighteen.

- The Consent Calendar was the next agenda item for Council's consideration. A motion was made by Councilman Mischnick seconded by Councilman Korber- Gonzalez to approve the Consent Calendar as follows:

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CONSENT CALENDAR – APRIL 3, 2018

1. Approval: Minutes of the Regular Meeting, March 20, 2018.
2. Approval: Payroll Costs for the period March 10, 2018 through March 23, 2018: \$193,585.00.
3. Approval: Claims against the following funds for the period of March 15, 2018 through March 28, 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; \$416,207.17.
4. Approval: Corrected Resolution No. 18-37 establishing new swimming pool rates. At our last meeting Council approved Resolution No. 18-37 which modified our swimming pool rates. The narrative listed the correct revised rates; however the resolution included the previous rates.
5. Approval: The issuance of the following Contractor licenses:

General Contractor	Tim Weston Construction Shaun Houchin dba Houchin Construction David Hartline dba Morton Buildings Kelly Strey dba B&C Steel Corporation Matt Jeppson dba Kobalt Construction Peltz Construction, Inc.
Repair and Maintenance	Nick Hubbell dba Hubbell Masonry Rick Ridenour dba R & A Services
Master HVAC	Roger Rojas Sr. dba Oregon Trail Plumbing, H&C Mark Sitzman dba Independent Plumbing & H Bruce Rasmussen dba Rasmussen Mechanical Svs Rashid Kadir dba Tessier's Inc.
Gas Fitter	Roger Rojas Sr. dba Oregon Trail Plumbing, H&C Mark Sitzman dba Independent Plumbing & H Bruce Rasmussen dba Rasmussen Mechanical Svs Jason Tritle dba Tritle Plumbing, Inc.
Master Plumber	Roger Rojas Sr. dba Oregon Trail Plumbing, H&C Mark Sitzman dba Independent Plumbing & H Jason Tritle dba Tritle Plumbing, Inc. Bill Schlaepfer dba Gering Valley Plumbing
Journeyman HVAC	Roger Rojas Sr. dba Oregon Trail Plumbing, H&C Bill Schlaepfer dba Gering Valley Plumbing
Journeyman Plumber	Roger Rojas Sr. dba Oregon Trail Plumbing, H&C Bill Schlaepfer dba Gering Valley Plumbing
Roofer	Jeremy Rechsteiner dba Weathercraft Company

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Limited & Specialty

Viaero Wireless

Brad Vicic dba American Remodeling

Spencer Beethe dba Patriot Steel Erections

Groundwork

Blackeagle Energy Services

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.

- Next item before Council was the ACE Presentation. Randy Waggener our ACE representative present the Council with a Membership Distribution check from ACE in the amount of \$23,125. To date \$159,177 has been returned to the City from ACE. Staff is recommending these funds be utilized towards a project or program for the betterment of our community. Council also encouraged the citizens of Alliance to select ACE as their natural gas supplier during the Choice Gas selection period which begins April 13th and runs through April 26th.
- The next matter before Council was Resolution No. 18-43 which will authorize the Mayor to sign the Contract for Public Improvements and all accompanying documents, agreements and easements for the improvements related to the property being platted in Syndicate Addition.

A motion was made by Councilman Mischnick, seconded by Councilman Jones to approve Resolution No. 18-43, which follows in its entirety:

RESOLUTION NO. 18-43

WHEREAS, The Alliance City Council is considering the Final Plat of Lots A and B, Block 3, a Replat of Block 3, Syndicate Addition, located in the SW $\frac{1}{4}$ of Section 35, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska; and

WHEREAS, As part of the platting process a Contract for Public Improvements has been negotiated to ensure the development complies with the requirements of the Alliance Municipal Code; and

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WHEREAS, The public improvements included within the Agreement all improvements required by the City, including but not limited to: street, curb, gutter, sidewalk, sanitary sewer, electric, storm sewer/drainage improvements and water improvements; and

WHEREAS, The cost of these improvements shall be paid by Syndicate Block Company, LLC; and

WHEREAS, The City of Alliance believes that entering into the Contract for Public Improvements for the Syndicate Addition is in the best interest of the citizens of Alliance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is hereby authorized to sign on behalf of the City the Contract for Public Improvements between the City and Syndicate Block Company, LLC, a Nebraska limited liability company, and all accompanying documents, agreements, and easements.

- A public hearing on the Final Plat for Lots A and B, Block 3, a Replat of Block 3, Syndicate Addition, located in the SW¼ of Section 35, T25N, R48W of the 6th P.M., Box Butte County, Nebraska was the next matter before Council. Following the public hearing Council will consider Ordinance No. 2858 which has been drafted to approve the Final Plat. Council was provided with the following background information:

[The City of Alliance is in receipt of an application for a final plat from Dan Dickinson. The final plat shows the subdivision of a 3.22-acre tract previously platted as Block 3, Syndicate Addition to the City of Alliance.

The subdivision is an “L” shaped parcel located south of Nebraska State Highway 2/West 3rd Street, east of 1449 West 3rd Street known as McDonalds, south and west of 1419 West 3rd Street otherwise known as American Inn, and west of 1300 West 3rd Street known as Alliance Plaza. The land is currently zoned C-3 Highway Commercial. The land is bordered to the north, east, south, and west by C-3 zoning. No change in current zoning is requested as part of the platting process. There are not any minimum lot size requirements for C-3 zoning. Block 3 is currently vacant/unused property.

Lot A will have primary access provided by Nebraska State Highway 2/West 3rd Street along the north property line. Lot B would have primary access from Holsten Court which intersects with Ramblin Road at the south west corner of the proposed lot. Holsten Court is platted but not developed.

The “West Gateway Neighborhood” as this area is identified by the Plan, has large gaps in its development which is filled by Ag lands or are vacant. This is obvious and evident by viewing the area from aerial photography. As its name implies, this is the western gateway to the community and its lack of consistent development and modern development detracts from the overall appearance of this area and does not welcome visitors to Alliance. The Plan also stated that the City should promote redevelopment in the Western Gateway that enhances the community’s image.

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The City of Alliance Planning Commission met at its regular meeting March 13, 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 Final Plat of Lots A and B, Block 3, A Replat of Block 3, Syndicate Addition, located in the SW ¼ of Section 35, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska, contingent on the applicant completing a Development Agreement with the City of Alliance.

The Planning Commission made the following findings in their motion:
 The subdivision meets the minimum requirements of code.
 The development would be consistent with the goals in the Comprehensive Plan.]

Mayor Yeager stated now is the date, time, and place to conduct a public hearing on the rezoning request of Dan Dickinson and opened the public hearing at 7:08 p.m.

Community Development Director Kusek addressed Council and outlined the request which was recommended for approval by the Alliance Planning Commission.

No additional testimony was offered from the public and Mayor Yeager closed the public hearing at 7:09 p.m.

A motion was made by Councilman Jones seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2858. Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2858

AN ORDINANCE APPROVING THE FINAL PLAT OF LOTS A AND B, BLOCK 3, A REPLAT OF BLOCK 3, SYNDICATE ADDITION, LOCATED IN THE SW¼ OF SECTION 35, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH 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 from Dan Dickenson dba Syndicate Block Company, LLC for approval of the Final Plat of Lots A and B, Block 3, a Replat of Block 3, Syndicate Addition, located in the SW¼ of Section 35, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska.

SECTION 2. The Planning Commission held a public hearing March 13, 2018, and has recommended the approval of the Final Plat of Lots A and B, Block 3, a Replat of Block 3, Syndicate Addition, located in the SW¼ of Section 35, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska.

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SECTION 3. The Final Plat of Lots A and B, Block 3, a Replat of Block 3, Syndicate Addition, located in the SW¼ of Section 35, Township 25 North, Range 48 West of the 6th 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.

A motion was made by Councilman Jones, seconded by Councilman Mischnick to waive the statutorily rule requiring three readings of the ordinance on separate dates at the request of Mr. Dickinson.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated five votes in favor of the motion have been received. That being more than ¾ of the Council present, the motion is declared passed.

Roll call on the final reading of the Ordinance No. 2858 with the following results:

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

Voting Nay: None.

Motion carried.

The passage and adoption of Ordinance No. 2858 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted, and order it published.

- Next before Council was Resolution No. 18-40 which will deny the request of the Housing Authority to waive their Payment in Lieu of Taxes requirement in the amount of \$9,026.78. Council was provided with the following background information:

[The Alliance Housing Authority has requested the waiver of their payment in lieu of taxes (PILOT) to the City of Alliance. In past years, the Alliance Housing Authority was requested to go to each taxing entity to make said request. Based on a legal review, the City Council has authority to consider the full waiver which is based on 10% of the Housing Authority's gross revenue each year. Ms. Klemke states that gross revenue in this case is defined as the tenant contributions paid to

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each agency. The total amount due this year is \$9,026.78 which is down from \$9,722.53 last year.

The PILOT breakdown for each tax entity is as follows:

Taxing Entity	Levy	Allocation
Alliance Public Schools	1.111937	\$ 5,163.68
City of Alliance	0.374637	\$ 1,739.76
Box Butte County	0.324412	\$ 1,506.52
Western Nebraska Community College	0.096820	\$ 449.62
Natural Resource District	0.016583	\$ 77.01
Educational Service Unit 13	0.014180	\$ 65.85
Box Butte Ag Society	0.005242	\$ 24.34
Totals	1.943811	\$ 9,026.78

The purpose of the "payment in lieu of taxes" is to provide financial support to the governmental entities, similar to that of which a homeowner pays in property taxes. As there is a cost associated with the delivery of services to the City, the Schools, the County and others, staff is uncomfortable recommending the waiving of the "payment in lieu of taxes" as provided for by the Department of Housing and Urban Development.

The Alliance Housing Authority is requesting that if a full waiver is not Council's desire, that a 50% waiver be granted (\$4,513.39) to be set aside for the future construction of a playground equipment at their Big Horn Avenue property. They estimate the playground project to be between \$30,000 and \$60,000 depending on style, plus surfacing and labor. This is the option Council chose last year and \$4,861.26 is being held in a separate account for this purpose.]

A motion was made by Councilman Jones, seconded by Councilman Korber-Gonzalez to approve Resolution No. 18-40, which follows in its entirety:

RESOLUTION NO. 18-40

WHEREAS, The City of Alliance has received a request from the Alliance Housing Authority to waive certain payments in lieu of taxes; and

WHEREAS, The City Council finds that it has legal authority to issue such waiver; and

WHEREAS, The City Council desires to deny the waiver and instruct staff to distribute the funds appropriately to the other taxing entities for the benefit of the taxpayers.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the payment in lieu of taxes waiver request of the Alliance Housing Authority in the amount of Nine Thousand Twenty-six Dollars and 78/100ths (\$9,026.78) is hereby denied

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and staff is instructed to distribute the funds appropriately to the other taxing entities for the benefit of the taxpayers.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 18-41 which will authorize the submittal of the City of Alliance's Detailed Plan of Operation for the Box Butte County Handyman Program for fiscal year July 1, 2018 through June 30, 2019 was the next item on the agenda. Council was provided with the following background information:

[The City of Alliance assumed operations of the Box Butte County Handyman program on July 1, 2014. So far this program year (eight months), thirty-two seniors have benefitted from just over 600 hours of handyman (lawn care and snow shoveling) and household chores. This subsidized program allows our seniors to enjoy more of their golden years in the comfort of their own homes.

The grant is comprised of two parts totaling \$31,420 with \$27,322 from the Aging Office of Western Nebraska (AOWN) Federal funding and \$4,098 from Court Appointed Special Advocates (CASA) State funding. These annual allotments have remained unchanged since the City assumed responsibility for the program. It is estimated that \$8,640 will be contributed by clients (45% rate) and a local public match of almost \$15,000 including in-kind rent and financial services. (The match must be a minimum of 25% with the proposed budget reflecting a match rate of 43%.)

Depending on the level of public utilization of this program, the City of Alliance may be required to make an additional contribution to close a funding gap. Since the grant funding is fixed, any cash outlays exceeding the grant and client contributions are absorbed by the operating agency. The additional funds that may be necessary should not exceed \$5,000 for the budget year.]

A motion was made by Councilman Reynolds, seconded by Councilman Korber-Gonzalez to approve Resolution No. 18-41, which follows in its entirety:

RESOLUTION NO. 18-41

WHEREAS, The City of Alliance has been operating the Box Butte County Handyman Program since July 1, 2014 through the Aging Office of Western Nebraska; and

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WHEREAS, The City of Alliance desires to continue the operation of the Program and is requesting authority to submit the required Plan of Operation for fiscal year July 1, 2018 through June 30, 2019; and

WHEREAS, City Council believes continuing to participate in the Handyman Program for the Alliance Senior Center is in the best interest of the senior citizens of Alliance and Box Butte County.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance is authorized to submit the Plan of Operation for the Handyman Program for the fiscal year 2018-2019 with the Aging Office of Western Nebraska for the Alliance Senior Center.

BE IT FURTHER RESOLVED that the Mayor is authorized to accept the grant on behalf of the City of Alliance and sign the related documentation.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- Next before Council was Resolution No. 18-42 which will approve the Economic Development Assistance Agreement with 1dash5 Enterprises, LLC. The Agreement provides for the use of LB840 funding to assist with the Scooter's Coffee Drive-Thru Franchise.

A motion was made by Councilman Korber-Gonzalez, seconded by Councilman Jones to approve Resolution No. 18-42, which follows in its entirety:

RESOLUTION NO. 18-42

WHEREAS, The voters of the City of Alliance approved an Economic Development Plan which had been adopted by the City Council in 2001 and in 2010, pursuant to the authority of Nebraska Revised Statutes 18-2701 through 18-2738;

WHEREAS, An Application Review Committee has been appointed by the City Council pursuant to law to review applications for assistance under the Economic Development Plan;

WHEREAS, The Economic Development Plan is funded by a portion of City sales tax which was also approved by the voters in 2001 and in 2007;

WHEREAS, The application of 1dash5 Enterprises, LLC has been received for assistance pursuant to the Economic Development Plan, and it is a qualifying business pursuant to the requirements of the Economic Development Plan;

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WHEREAS, The Application Review Committee has approved the application of 1dash5 Enterprises, LLC and recommended to the Program Administrator that the project be approved;

WHEREAS, The Program Administrator has accepted the recommendation of the Application Review Committee, and recommends that the City Council approve the project;

WHEREAS, The Economic Development funds in the project requesting assistance are not the sole or primary funding source; and

WHEREAS, The City Council finds that 1dash5 Enterprises, LLC is a qualifying business and that this allocation of funds does not exceed the limitations of Section 18-2717 of the Nebraska Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the application of 1dash5 Enterprises, LLC for assistance from the Economic Development Fund pursuant to the Local Option Municipal Economic Development Act is hereby approved. Funding will be provided in the amount of \$20,000; of which \$10,000 is an interest free Forgivable Loan for the five year period of maintaining one position as defined in the Economic Development Assistance Agreement, and \$10,000 in a Non-Forgivable Loan at a rate of 1.5% per annum and shall be payable in 60 monthly payments.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute on behalf of the City the Economic Development Assistance Agreement between the City of Alliance and 1dash5 Enterprises, LLC.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- Next for Council is a discussion for establishing a policy for the Commercial Use of Public and Park Areas. Staff is working on a policy for when and how the City will allow the use of public and park areas to be utilized for commercial purposes.

City Manager Kuckkahn began the discussion stating there are three main areas of use: parks, paths and streets. The initial proposal for the policy is to only allow the commercial use of public property during and/or for larger community events and celebrations. A couple of examples would be Heritage Days and Bands on the Bricks. The policy would establish rules and regulations which would protect the areas used and the safety of participants. The policy would also mandate liability insurance requirements as part of the use. The policy should also address the expenses for City staff and services.

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Councilman Jones asked how the tailgate fundraisers would be handled which are currently being conducted in the park across the street from the football stadium.

City Manager Kuckkahn stated staff will continue working on the draft policy and bring it back before Council.

- Next item for Council's consideration is to set a date and time to conduct a Strategic Planning Session to discuss items such as capital purchases in preparation for the development of the proposed budget.

By consensus the Council selected 3:00 p.m. on Tuesday, May 1, 2018 to conduct the Strategic Planning Session. The place will be determined at a later date.

- The last matter before Council was a board resignation, appointment and vacancy announcements.

A motion was made by Councilman Jones seconded by Councilman Mischnick to accept the resignation of Tami Swearingen from the Park and Tree Board.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Jones, seconded by Councilman Mischnick to appoint Terry Grosz to serve on the Senior Facility Board.

Roll call with the following results:

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

Voting Nay: None.

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-officio members of the Library Board, Museum Board, Park and Tree Board, and Planning Commission. Anyone interested in serving on these Boards should contact the City Clerk's Office. Information on all of the City Boards is also available on our web site, www.cityofalliance.net.

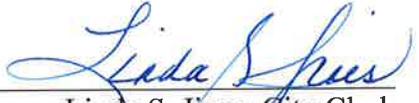
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- Mayor Yeager stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:51 p.m.”



Ralph Yeager, Mayor

(SEAL)



Linda S. Jines, City Clerk

