

June 19, 2018

# ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, JUNE 19, 2018

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

The Alliance City Council met in a Regular Meeting, June 19, 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 June 13, 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 publication of the notice to the time of the meeting.

Mayor Yeager opened the June 19, 2018 Regular Meeting of the Alliance, Nebraska City Council at 7:00 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 Hoelsing and Deputy City Clerk Krejci.

- Mayor Yeager announced the Open Meetings Act was available for the public and posted on the north wall of the audience area.
- The first item on Council’s agenda was the Consent Calendar. A motion was made by Councilman Jones, seconded by Councilman Mischnick to approve the Consent Calendar as follows:

CONSENT CALENDAR – JUNE 19, 2018

1. Approval: Minutes of the Regular Meeting, June 5, 2018.
2. Approval: Payroll Costs for the period May 19, 2018 through June 1, 2018: \$337,718.03.
3. Approval: Claims against the following funds for the period of May 31, 2018 through June 12, 2018: General, General Debt Service, Trust and Agency, Street, Electric, Refuse

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Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement: \$1,079,293.65.

4. Approval: The issuance of the following Contractor Licenses:

Limited and Specialty:	Monte Hankins dba Panhandle Gutter
Repair and Maintenance:	Juan Antonio Gonzales dba J&J Roofing
Repair and Maintenance/HVAC:	Tod Heldenbrand dba 4th Street Fencing Heating and Cooling
Master HVAC/Gas Fitter:	Randy Coleman dba RLC Heating & Air
Tree Surgeon:	Thomas Wiens dba Modern Arboriculture

5. Approval: The issuance of the following Cemetery Certificate:

The West Half (W½) of Lot Twenty-seven (27), Section Six (6), Block Twenty (20), Third Addition to the Alliance Cemetery to Sheila T. Craig.

6. Approval: Resolution No. 18-72 with approve the Agreement with Box Butte County for their funding contribution and the leasing of vehicles for the public transit program currently operated by the City of Alliance.
7. Approval: Resolution No. 18-73 will approve the Extension Agreement between the City and Box Butte Development Corporation "BBDC". BBDC is requesting the extension as the property has not sold. The extension will be until the land is sold or June 14, 2021 whichever is earlier.
8. Approval: The continuance of the Conditional Use Permit of Kenneth Holloway allowing for light machining and assembly work on Lots 9 and 10, Block 18, Original Town, Alliance, Nebraska, addressed as 312 West 3<sup>rd</sup> Street. The permit was granted on July 5, 2017 and requires annual review. The Community Development Director inspected the property and it appears to be in compliance with the conditions required by Code and developed according to the approved site plan.
9. Acknowledgement: A copy of the Annual Continuing Disclosure Compliance Checklist and the Certification of Training by staff for the handling of the City's bonding needs.
10. For Your Information: A Memorandum from MEAN regarding the Standard Avoided Cost Rate.
11. For Your Information: Official notice of changes regarding the status of the MEAN Wind Resource Pool.

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12. For Your Information: The City has received notice of the following residential channel lineup changes and price adjustments from Charter Communications:

CHANNEL	CHANGE	CHANNEL NUMBER	Effective
Drop El Garage TV	Provider is ceasing distribution	217 & 829	7/1/18

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 vote with the following results:

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

Voting Nay: None.

Motion carried.

- Council next reviewed Ordinance No. 2860 which will amend Section 28-161 of the Alliance Municipal Code regarding the provisions related to primary metering. Council was provided with the following background information:

[Section 28-161(f) of the City of Alliance Municipal code addresses primary metering within the City of Alliance electric system (AMES). The current code is somewhat unclear as to when this metering will be used, as well as who will pay for, install and maintain said equipment. The current wording of the code has led to various interpretations and discussions that require code revision and clarification.

Current code states that “primary metering shall be used where transformation equipment and appurtenances are customer owned and maintained and may be used at the convenience of AMES.” Discounts were included for transformer losses and where all transformation equipment is owned and maintained by the customer. Staff is concerned that this wording is too general and open for incorrect interpretation and that it may not be applicable to current large power users.

The proposed revised code would stipulate that primary metering would only be used when deemed necessary by AMES based on the size of the customer’s electrical load and usage with a minimum of 2,000-amp secondary load required. In response to the Council’s direction at the prior meeting, all transformation equipment and appurtenances for primary metering would be purchased, installed and maintained at the expense of the City with access rights stipulated. References to discounts are removed from code inasmuch as the customer no longer stands the

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cost of the maintaining the equipment and electric rates for large power users are already discounted.]

A motion was made by Councilman Jones to approve the first reading of Ordinance No. 2860. Councilman Mischnick seconded the motion. Deputy Clerk Krejci read the ordinance by title.

ORDINANCE NO. 2860

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE SECTION 28-161 TO AMEND THE PROVISIONS RELATED TO PRIMARY METERING AND THE COST OF INSTALLATION, EQUIPMENT AND MAINTENANCE, AND REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE THAT ARE INCONSISTENT WITH THIS ORDINANCE, PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. Section 28-161, of the City of Alliance, Nebraska Municipal Code is hereby amended in its entirety the following:

“Sec.28-161. General terms and conditions, all rates.

(a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Summer season* means the four billing periods beginning with the third cycle in June and ending with the second cycle in October, or from the first billing after June 15 and ending with the last billing before October 15.

*Winter season* means the eight-billing periods not included in the summer season

(b) **Production cost adjustment.** The rates and the billings for the service rendered hereunder may be adjusted administratively, with city council approval, from month to month to reflect the change in production cost adjustments charged by the city's suppliers. The monthly adjustment may be increased to reflect system losses as calculated for the previous calendar year.

(c) **Tax clause.** The rates may be increased administratively by the amount of any new or increased tax or fee imposed and levied on the transmission, distribution, production or sale of electricity.

(d) **Special terms and conditions.**

(1) Special service requirements, if available, will be billed on an actual cost basis by AMES.

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- (2) AMES shall supply one electric service to a property at one point of delivery designated by the electric superintendent. For installation of additional electric services to a property, the customer or owner shall pay AMES an installation fee equal to the total cost of installing the service equipment except for the meter as supplied by AMES. Distribution from the point of delivery to points of use on the customer's premises shall be the responsibility of the property owner.
- (3) When electric service is measured through more than one meter, the consumption registered on each meter will be billed separately unless installation is at the convenience of AMES and is approved by the electric superintendent. When a portion of a residential dwelling is used for commercial purposes, the residential rate shall apply provided:
- a. The service is all taken from one meter;
  - b. The residential load exceeds the commercial load, as determined by AMES.

In all other cases the residential and commercial service will be separately metered and billed under the applicable rate, or all service to the premises will be billed under the applicable general service rate.

- (4) Single apartments will be considered residential property and residential rates shall apply.
- (5) Apartment building house meters will be considered commercial and the general service rates shall apply.

(e) *Power factor adjustment.* The customer will be expected to maintain a power factor of 95 percent lagging or better. If the measured power factor is lower than this, the customer will be given 90 days to correct. If the power factor is not corrected, the monthly bill shall be increased by the ratio of 0.95 divided by the actual power factor expressed in decimals.

(f) *Primary metering.* Primary metering shall be used only when deemed necessary by AMES based on the size of the customer's electrical load and usage. To be considered for primary metering the customer must have a minimum 2,000-amp secondary load. All transformation equipment and appurtenances for primary metering shall be purchased, installed and maintained at the expense of AMES. Said transformation equipment and appurtenances shall be owned by AMES and may be used and accessed at the convenience of AMES.

(g) *Additional equipment or transformation charge.* The customer shall pay AMES an installation fee for installing equipment or transformers in excess of the required capacity as determined by AMES. Said fee shall be equal to the cost of the requested equipment or transformation, less the estimated cost of the needed equipment. AMES shall own and maintain all equipment thereafter.

(h) *Restoration of service.* Any customer making a request for restoration of electric service within a 12-month period, in the same name or same customer, at the same address shall pay a

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restoration charge as established by administrative policy. This charge shall be paid prior to reconnection.

(i) *Fluctuating loads.* Customer operating equipment having highly fluctuating loads, large instantaneous demand or equipment which generates interference or harmonics as determined by AMES shall be required to pay all nonbetterment costs of isolating the loads from the balance of the AMES system so that the load will not unduly interfere with service on the AMES lines. In addition, customers who fail to provide adequate corrective equipment shall be required to own and maintain his own transformers and other acceptable isolation equipment.

SECTION 2: This Ordinance shall become effective upon its passage, approval and publication, and shall be in pamphlet form.

Roll call vote on the first reading of Ordinance No. 2860 with the following results:

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

Voting Nay: None.

Motion carried.

- The first reading of Ordinance No. 2861 which will amend the Alliance Municipal Code by removing Section 26-160 in regards to bicycle use downtown, was the next item on the agenda. Council was provided with the following background information:

[The City of Alliance Municipal Code currently prohibits the use of any device propelled by human power in certain areas of downtown as well as other specific named area within the City. Council expressed the desire to promote biking throughout the City at their June 4, 2018 meeting. Upon direction of the Council, Ordinance No. 2861 as presented will repeal Section 26-160 of the Code, which follows:

**Sec. 26-160. - Locations where bicycle prohibited.**

- a) It shall be unlawful for any person to operate any bicycle, unicycle, skateboard, roller skates, rollerblades, or any other device propelled solely by human power upon which any person may ride, at the following locations in the city:
  - 1) Any sidewalk adjacent to Box Butte Avenue between First and Sixth Streets.
  - 2) Sidewalks adjacent to Third Street between Cheyenne and Niobrara Avenues.
  - 3) Sidewalks adjacent to Fourth Street from Cheyenne to Niobrara Avenues;
  - 4) Anywhere within the Library Attendance Center Addition to the city, which is the Library building and grounds;

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- 5) The area in Central Park known as the Sunken Gardens, located between Ninth and Tenth Streets.
- b) Exceptions to this prohibition are devices used by handicapped individuals and infant children.]

A motion was made by Councilman Mischnick to approve the first reading of Ordinance No. 2861. Councilman Korber-Gonzalez seconded the motion. Deputy Clerk Krejci read the ordinance by title.

#### ORDINANCE NO. 2861

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA REPEALING A PORTION OF THE ALLIANCE MUNICIPAL CODE AT SECTION 26-160, DEALING WITH THE PROHIBITION OF BICYCLE USE IN CERTAIN LOCATIONS WITHIN THE CITY OF ALLIANCE AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Section 26-160 of the Alliance Municipal Code of Ordinances is hereby repealed.

SECTION 2. This Ordinance shall be effective on its passage and approval, and publication as provided by law. The repealed section shall continue to have full force and effect for all alleged violations thereof committed before the effective date of this Ordinance.

Councilman Reynolds motioned to suspend the statutory rule requiring three separate readings of Ordinance No. 2861. Motion died due to lack of a second.

Roll call vote on the first reading of Ordinance No. 2861 with the following results:

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

Voting Nay: None.

Motion carried.

- The next matter before Council was the Rezoning Application of Rodney Blakemen. Ordinance No. 2859 was introduced on second reading, which will approve the Rezone Application. Council was provided with the following background information:

[Virgil and Geraldine Blakeman have submitted an application to rezone the eastern most 290.5' of Block 2, Corrected Plat of Blakeman Subdivision, so they may combine it with Block 1, Corrected Plat of Blakeman Subdivision located to the north. Block 1 is owned by their son Rodney Blakeman.

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They have submitted a plat and an application for an Administrative Subdivision to combine the tract and Block 1.

The tract of land is located at the northwest corner of the intersection of Ramblin Road and West 6<sup>th</sup> Street. Block 1 is currently used as a private storage garage. The portion of Block 2 requested to be rezoned is vacant land. The uses are not proposed to change. A rezone is necessary to prevent the proposed new lot from being located in two different zoning districts.

The rezone will change the side setback from 5' to 0', the front setback from 25' to 15', the side street setback from 15' to 20', and the rear setback from 25' to 15'. The M-2, Heavy Industrial zoning district does not have any minimum lot size requirements.

The City of Alliance Comprehensive Plan identifies this area as the West Side Neighborhood. The neighborhood is generally defined as having mixed uses, none more dominant than the other. The land use is not proposed to be changed so the rezone doesn't conflict with the Plan identification of this neighborhood.

The City of Alliance Planning Commission, at their regular meeting on May 8, 2018 voted to recommend the City Council approve the rezone from R-4, Residential Mobile Home Park to M-2, Heavy Industrial, for the eastern most 290.5 feet of Block 2, Corrected Final Plat of Blakeman Subdivision finding that:

1. The proposed rezone is adjacent to existing M-2 Heavy Industrial Zoning and would not constitute a spot zone.]

Councilman Korber-Gonzalez asked about the requirements of sidewalk installation.

Community Development Director Kusek discussed with Council the City's current policy and the Developer's Agreement that is available that provides the developer the option to defer the installation of sidewalk and additional infrastructure until required by the City Council

Council requested a map of Ramblin Road that shows the current infrastructure in addition to an outline of the extension of possible infrastructure.

A motion was made by Councilman Korber-Gonzalez to approve the second reading of Ordinance No. 2859. Councilman Mischnick seconded the motion. Deputy Clerk Krejci read the ordinance by title.

#### ORDINANCE NO. 2859

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 EASTERN MOST 290.5' OF BLOCK 2, CORRECTED FINAL PLAT OF BLAKEMAN SUBDIVISION, A PART OF THE

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NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, BOX BUTTE COUNTY, NEBRASKA, OTHERWISE DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF BLOCK 1, CORRECTED FINAL PLAT OF BLAKEMAN SUBDIVISION, THENCE S 00°27'15" W A DISTANCE OF 109.5 FEET, THENCE S 89°57'32" W A DISTANCE OF 290.5 FEET, THENCE N 00°27'15" E A DISTANCE OF 109.5 FEET, THENCE N 89°57'32" E A DISTANCE OF 290.5 FEET TO THE POINT OF BEGINNING IS NOW INCLUDED AS A M-2, (HEAVY INDUSTRIAL) DISTRICT FROM A R-1, RESIDENTIAL MOBILE HOME PARK 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.
- (c) This is to certify that the Zoning District Map described in the Alliance Municipal Code, passed this \_\_\_\_ day of June, 2018, 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: Yeager, Jones, Korber-Gonzales, Mischnick, Reynolds.

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Voting Nay: None.

Motion carried.

- Council next held a Public Hearing for the Entertainment Liquor License Application of D-Head Inc. dba The Gathering Spot. Following the Public Hearing, Resolution No. 18-74 was considered, which will approve the License.

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 Entertain District Liquor License Application of D-Head Inc. dba The Gathering Spot and opened the public hearing at 7:22 p.m.

Jennifer Herbert, 744 W. 13<sup>th</sup> Street, owner of The Gathering Spot, was in attendance to answer questions of Council. Ms. Herbert stated The Gathering spot will have their own designated cups and wristbands. She also stated all staff have completed Responsible Serving Training.

Hearing no further testimony, the Public Hearing closed at 7:25 p.m.

A motion was made by Mayor Yeager, seconded by Councilman Jones to approve Resolution No. 18-74 which follows in its entirety.

#### RESOLUTION NO. 18-74

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

On June 19, 2018 the matter of the Class E Liquor License application of D-Head Inc. dba The Gathering Spot, Alliance, NE, came on for consideration by the Council.

The following exhibits were offered and received:

- Exhibit 1 - Application of D-Head Inc. dba The Gathering Spot, 213 Box Butte Avenue, Alliance
- Exhibit 2 - City Council checklist for Section 53-132 R.R.S. (1984).

Witnesses were sworn and testimony was received in support of the Class E Liquor License at the public hearing on this date from Jennifer Herbert. 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).

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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 D-Head Inc. dba The Gathering Spot, 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 E Liquor License Application of D-Head Inc. dba the Gathering Spot, at the premise described in the application. The applicant is a current holder of a Class CK Liquor License.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on the agenda was the Special Events Request of the Alliance Disc Golf Committee to host the “Trilogy Challenge at the Prairie” at Laing Lake on July 14, 2018.

A motion was made by Councilman Reynolds, seconded by Councilman Mischnick to approve the Special Events Request of the Alliance Disc Golf Committee.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on the agenda was the Special Events Request of Natalie Miller for the use of the open area within Central Park, on Saturday, July 21, 2018 to host and conduct Olympic games and events.

A motion was made by Councilman Jones, seconded by Councilman Korber-Gonzalez to approve the Special Events Request of the Natalie Miller.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

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- Resolution No. 18-75 modifying the City's current drug and alcohol testing policies in order to be compliant with the new regulations of the U.S. Department of Transportation was the next item on the agenda. Council was provide with the following background information:

[The City operates two Federal Department of Transportation (DOT) programs. Federal Transit Administration (FTA) Policy covers public transit drivers and all employees required to have a commercial driver's license (CDL) are included in the Federal Motor Carrier Safety Administration (FMCSA) Policy.

In addition to recent changes regarding opioids, the Federal government has made subsequent changes to additional portions of policy including a new section reiterating, that in the DOT testing program, only urine specimens can be collected and analyzed at HHS-certified laboratories and language further emphasizing the existing DOT prohibition on the use of DNA testing on DOT drug-testing specimens.

These restatements also incorporate the final rule that made minor modifications to certain section headings, moved the list of Substance Abuse Professional certification organizations from the rule to the Office of Drug and Alcohol Policy and Compliance's (ODAPC) and incorporates the final rule regarding MIS instructions.

Adoption of these two policies will ensure that the City of Alliance remains compliant with Federal rules covering these two DOT programs.]

A motion was made by Councilman Mischnick, seconded by Councilman Jones to approve Resolution No. 18-75 which follows in its entirety.

#### RESOLUTION NO. 18-75

*WHEREAS*, The U.S. Department of Transportation has revised the drug and alcohol testing regulations in 49 CFR Part 40; and

*WHEREAS*, The revision adds in the DOT testing program, only urine specimens can be collected and analyzed at HHS-certified laboratories and existing DOT prohibition on the use of DNA testing on DOT drug-testing specimens.; and

*WHEREAS*, The revision requires amendments to our Federal Motor Carrier Safety Administration (FMCSA) Misuse of Alcohol and Use of Controlled Substances Policy, and our Federal Transportation Administration (FTA) policies for our Department of Transportation (DOT) classified employees;

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the new testing regulations of the U.S. Department of Transportation will be included in the City of Alliance's Federal Motor Carrier Safety Administration (FMCSA)

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Misuse of Alcohol and Use of Controlled Substances Policy and Federal Transportation Administration (FTA) Policy.

*BE IT FURTHER RESOLVED* the contact information for the City's Federal Motor Carrier Safety Administration (FMCSA) Misuse of Alcohol and Use of Controlled Substances Policy, and our Federal Transportation Administration (FTA) policies will be updated.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 18-76 which will approve the Support Agreement between the City of Alliance and Box Butte Development Corporation was the next matter before Council. Council was provided with the following background information:

[Council at their May 15, 2018 meeting transferred Tourism and Event Promotions to Box Butte Development Corporation "BBDC" for the promotion of the City, its amenities and events within the area. BBDC presented a financial summary detailing additional cost they would absorb to conduct these services on the City's behalf. City Staff and the BBDC Board of Directors have prepared a Support Agreement between the City of Alliance and Box Butte Development Corporation stating the City will make an annual payment of \$75,000 to BBDC in quarterly installments for such services.]

A motion was made by Mayor Yeager, seconded by Councilman Reynolds to approve Resolution No. 18-76 which follows in its entirety.

#### RESOLUTION NO. 18-76

*WHEREAS*, Box Butte Development Corporation currently provides economic development services to the City of Alliance; and

*WHEREAS*, The City of Alliance would like to expand the services Box Butte Development Corporation provides the City to include tourism and event promotions; and

*WHEREAS*, A Support Agreement has been prepared to outline the services which will be provided to the City for tourism and event promotions by Box Butte Development Corporation for an annual payment of Seventy-Five Thousand and no/100ths Dollars (\$75,000.00) to be paid in quarterly installments; and

*WHEREAS*, The Support Agreement is for a three year period expiring September 30, 2021 and will continue for additional three year period unless terminated by either party.

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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 enter into the Support Agreement with Box Butte Development Corporation to provide tourism and event promotions for the City of Alliance.

*BE IT FURTHER RESOLVED* that payment for these services is intended to be from the Hotel Occupation Taxes received by the City of Alliance.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- Next before Council was Resolution No. 18-77 which will award the Airport Snow Blower Bid Award to NE Environmental Products of Lincoln, NE in the amount of \$732,042. Council was provided with the following background information:

[M.C. Schaff and Associates, on behalf of the City of Alliance, prepared an Invitation to Bid for the Federally-approved airport project number 3-31-0003-021 to purchase a new rotary snow blower. The project was advertised for four weeks with two equipment suppliers requesting notification of project bid information and one supplier receiving specifications.

One bid was opened at the scheduled time on June 13, 2018 at the City of Alliance municipal building. The bid has been reviewed by the Engineer with no pricing errors identified and compliance noted with bid bond requirements. The sole bidder was Nebraska Environmental Products, headquartered in Lincoln, Nebraska.

Bid information is summarized in the following chart:

<b>Bidder</b>	<b>Base Bid</b>	<b>ALT-1 Broom</b>	<b>Total Bid</b>
NE Environmental Products	\$618,679.00	\$119,363.00	\$738,042.00
Engineer's Estimate	\$650,000.00	\$70,000	\$720,000.00

The base bid item includes costs for furnishing a new rotary snow blower with carrier vehicle. The alternate bid item includes costs for furnishing an 18-ft broom attachment for the new snow blower. The broom attachment was bid as an alternate item since funding is through discretionary money which could not exceed the data sheet submitted to FAA in the amount of \$750,000. The broom attachment can be

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utilized during snow removal operations to sweep snow off of the runway instead of plowing. The sweeping is less harmful to the runway surface than plowing.

Since only one bid was received, the Engineer completed an Independent Cost Analysis "Single Bidder" (ICA) for the Blower and Broom Attachment and found the bid to be fair and reasonable in cost.

The bidder completed the "Buy American Certification" with their bid proposal and certified they could not comply 100% with the Title 49 USC.50101. The bidder requested a Type 3 waiver for the Buy American preference and certified that 71% of the cost of components and subcomponents are produced in the United States.

M.C. Schaff and Associates is recommending that the Council approve the base bid and alternate bid proposal from Nebraska Environmental Products in the amount of \$738,042.00 for the purchase of snow blower and broom subject to the final approval of the bid by the Federal Aviation Administration and Nebraska Department of Transportation, Aeronautics Division. M.C. Schaff and Associates also recommends the City submit the "Buy American" Type 3 Waiver request. M.C. Schaff's formal letter of recommendation is included in the packet.]

A motion was made by Councilman Korber-Gonzalez, seconded by Councilman Mischnick to approve Resolution No. 18-77 which follows in its entirety.

#### RESOLUTION NO. 18-77

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

*WHEREAS*, The City applied for funding with the Federal Aviation Administration at the current funding level of 90% and the City providing the 10% match for the purchase of a new snow blower with broom attachment at the Alliance Airport; and

*WHEREAS*, An Agency Agreement with Nebraska Department of Transportation Aeronautics Division to act as the Airport's agent for the project has been approved; and

*WHEREAS*, Invitations to Bid for a Snow Blower with Broom Attachment were published and bids were opened; and

*WHEREAS*, The City of Alliance only received one bid from NE Environmental Products of Lincoln, Nebraska in the amount of Seven Hundred Thirty-eight Thousand Forty-two and no/100ths (\$738,042.00); and

*WHEREAS*, The Engineer completed an Independent Cost Analysis and found the bid to be fair and reasonable.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign the contract and documents associated with the Snow Blower with Attachment for the Alliance Municipal Airport from NE

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Environmental Products of Lincoln, NE in the amount of Seven Hundred Thirty-eight Thousand Forty-two and no/100ths (\$738,042.00).

*BE IT FURTHER RESOLVED* that approval is contingent upon the authorization of the Federal Aviation Administration and the Nebraska Department of Transportation, Aeronautic Division.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item, was a general discussion regarding the Alliance Sales Tax Renewal.

Manager Kuckkahn discussed the impact on essential services if the 1.5% sales tax was not renewed at the November 2018 election. He stated Box Butte Development Director Chelsie Herian, will be acting as the City's advocate to promote the benefit of the tax.

Attorney Hoelsing discussed with Council the renewal of the Economic Development Plan in addition with the sales tax renewal. Council will have a public hearing at their July 3, 2018 meeting to review the plan documents.

- The next agenda item was the discussion regarding the 3<sup>rd</sup> Street Overlay Project.

Manager Kuckkahn discussed with Council the estimates received from Doug Hoebet, District 5 Engineer with the Nebraska Department of Roads, primarily focusing on the cost difference and the safety of a the four-lane option vs. a three-lane option.

- Council next conducted a general discussion on the Alliance Public Schools Track Property. Council was provided with the following background information:

[The Alliance Public School District is in the process of replacing the track and other concrete surfaces associated with the track property. The new track surface will not fit in the footprint of the old track. The School District requested the City Council vacate the south 8 feet of the right of way for East 14<sup>th</sup> Street and that ownership of said vacated portion be transferred to the adjacent property owner. The right of way in this location is 85 feet wide. The minimum width for a street in a residential zoned district is 66 feet wide.

When City staff was performing our review of the construction drawings, we noticed that they intend to pave the new track over an existing 10" sanitary sewer main that was installed in 1948. The old track surface was also placed on top of the main. Staff has not been able to find an easement for the sewer main although

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a map showing the sewer with an easement has been located. Also, Niobrara Avenue between Blocks 5 and 6 of Box Butte Addition was vacated by the City; however, the City retained ownership of it.

City staff and the School District are concerned about the new track if the sewer main were to fail and could not be fixed without digging it up. The track surface would essentially be ruined as it is post tension concrete and cutting into any portion of it destroys its integrity.

The ideal solution would be for the School District to reroute the sewer main around the track as part of this paving project and abandon the existing main. Staff does not believe the School District has the funds to move the sewer as part of this project.

A second solution is for the School District to give the City a temporary easement, in case staff cannot find an existing easement that would allow the main to stay where it is and give the City the ability to perform noninvasive maintenance (jetting) of the pipe. If the sewer main were to ever fail, the School District would reroute the sewer around the track, abandon the old main, and the easement would cease to exist. This option would give the School District some flexibility in budgeting to reroute the sewer.

The third would be for the City to reroute the sewer main around the track. Historically, the City has not paid for sewer main rerouting for construction projects and typically does not allow structures to be placed on top of utilities that limit our access to them. The property owner has been the responsible party for rerouting and installing utilities for development purposes.]

Council requested a cost estimate for each option be provided at the next Council meeting for their review.

- The next matter before Council were Board appointments and announcements.

A motion was made by Mayor Yeager, seconded by Councilman Korber-Gonzalez to appoint Father Coke McClure to the Park and Tree Board with a term expiring February 28, 2020.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

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A motion was made by Mayor Yeager, seconded by Councilman Jones to appoint Father Coke McClure to the Library with a term expiring June 30, 2021.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Mayor Yeager, seconded by Councilman Jones to appoint Shaylee Messersmith to serve as one of the student Library Ex-Officio representatives on the Alliance Library Board.

Roll call with the following results:

Voting Aye: Yeager, Jones, Korber-Gonzales, Mischnick, 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, one junior ex-officio member of the Library Board, Alliance Housing Authority, Park and Tree Board and Planning Commission. Anyone interested in serving on these Boards should contact the City Clerk's Office. Information on all the City Boards is also available on our website, [www.cityofalliance.net](http://www.cityofalliance.net).

- The final item on the agenda was a Closed Session regarding a personnel matter.

Councilman Jones motioned pursuant to Section 84-1410 Reissue Revised Status of Nebraska 1943, that the Alliance City Council finds it necessary to enter into a closed session to discuss a personnel matter and to protect the public interest. The motion was seconded by Councilman Korber-Gonzalez.

Roll call with the following results:

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

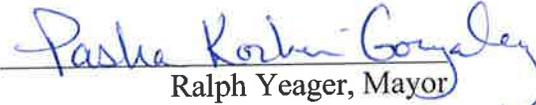
Voting Nay: None.

Motion carried.

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The closed session began at 8:30 p.m. and ended at 8:47 p.m. No additional action was taken.

- Mayor Yeager stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:48 p.m.”

  
Ralph Yeager, Mayor

(SEAL)

  
Tarrah S. Krejci, Deputy City Clerk

