

July 3, 2018

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, JULY 3, 2018

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

The Alliance City Council met in a Regular Meeting, July 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 June 27, 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.

Vice Mayor Korber-Gonzalez opened the July 3, 2018 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Vice Mayor Korber-Gonzalez, Council Members Mischnick, Jones and Reynolds. Also present were City Manager Kuckkahn, Assistant City Manager/Finance Director Waggener, City Attorney Olsen and City Clerk Jines.

- Vice Mayor Korber-Gonzalez announced the Open Meetings Act was available for the public and posted on the north wall of the audience area.
- Council’s first order of business was to excuse Mayor Ralph Yeager from the meeting as he was out of town.

Vice Mayor Korber-Gonzalez motioned to excuse Mayor Yeager from the July 3, 2018 City Council meeting. Councilman Jones seconded the motion.

Roll call vote with the following results:

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

Voting Nay: None.

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Motion carried.

- Council next announced the hiring of Taylor Vogel as a new Meter Reader.
- The next 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 – JULY 3, 2018

1. Approval: Minutes of the Regular Meeting, June 19, 2018.
2. Approval: Payroll Costs for the period June 2, 2018 through June 15, 2018 in the amount of \$234,433.34.
3. Approval: Claims against the following funds for the period of: 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: \$276,144.31.
4. Approval: Transfer of capital funds within the Refuse Disposal Fund for operations in the amount of \$21,000. The funds will be transferred from Capital Outlay-Buildings (GL No. 06-51-55-59-915) to CNTSVC Other (GL No. 06-51-55-44-479) for the repair of the baler system.
5. Approval: The issuance of the following Contractor licenses:

General Contractor	Noah Perry dba NS Perry Construction LLC
Repair & Maintenance	Michael Kvamme
Groundwork	ABC Crane Co.
6. Acknowledgement: Receipt of the Annual Report of the Public Library Board Foundation of Alliance, Inc. for the period June 1, 2017 through May 31, 2018.
7. 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
Heroes & Icons White Area Launch	Add to DV /Tier 1, SPP Tier 1, SBPP Business TV Premier, SBPP B/R Business Entertainment	168	6/30/18

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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: Jones, Korber-Gonzalez, Mischnick, Reynolds.

Voting Nay: None.

Motion carried.

- The first reading of Ordinance No. 2862 which will approve the Dedication Plat of East 12th Street between Potash Avenue and Flack Avenue was the next matter before Council. The following background information was provided:

[The City of Alliance asked MC Schaff to prepare a plat that would dedicate a tract of land the City owns as a portion of East 12th Street.

The tract is 50 feet wide and is located between Potash Avenue and Flack Avenue. It is the most logical extension of East 12th Street through town and has been used as such since at least 1939.

East 12th Street between Potash and Flack Avenues was never dedicated as a street. It was assumed to have been dedicated as part of Simonson's Addition which was platted in 1889. It was overlooked until the City considered paving it in the early 1980s.

The City found that the 83' strip of land directly north of Simonson's Addition essentially became "no man's land" as it was never deeded to anyone beyond William Simonson. In 1986, the City requested a quiet title action and eventually took possession of the north 50' of the strip, plus the extensions of the alleys and streets to the south. The next step towards paving the street is platting the property and dedicating it for public use.

The City of Alliance Planning Commission met at its regular meeting on June 12, 2018 and found that the material presented to them was satisfactory. They voted affirmative on a recommendation to the Alliance City Council to approve the Street Dedication Plat of East 12th Street, City of Alliance, Box Butte County, Nebraska.]

A motion was made by Councilman Mischnick to approve the first reading of Ordinance No. 2862. Councilman Reynolds seconded the motion. Clerk Jines read the ordinance by title.

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ORDINANCE NO. 2862

AN ORDINANCE APPROVING THE DEDICATION PLAT OF A PORTION OF EAST 12TH STREET, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 25, 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 Alliance Planning Commission at its regular meeting on June 12, 2018 considered the Dedication Plat of a Portion of East 12th Street, situated in the Southeast Quarter of Section 25, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska.

SECTION 2. The subdivision regulations of the Alliance Municipal Code require that the Dedication Plat recommendation of the Alliance Planning Commission be forwarded to the City Council for review and approval or disapproval.

SECTION 3. A copy of the plat has been filed with the City Clerk of the City of Alliance.

SECTION 4. The Dedication Plat of a Portion of East 12th Street, situated in the Southeast Quarter of Section 25, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska as submitted to the Alliance Planning Commission and to the City Council is approved.

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

Roll call vote on the first reading of Ordinance No. 2862 with the following results:

Voting Aye: Jones, Korber-Gonzalez, 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

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

A motion was made by Councilman Reynolds to approve the second reading of Ordinance No. 2860. Councilman Mischnick seconded the motion. Clerk Jines 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:

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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.

(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

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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 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 second reading of Ordinance No. 2860 with the following results:

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

Voting Nay: None.

Motion carried.

- The second reading of Ordinance No. 2861 which will amend the Alliance Municipal Code by removing Section 26-160 regarding 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

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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;
 - 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 Jones to approve the second reading of Ordinance No. 2861. Councilman Reynolds seconded the motion. Clerk Jines 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.

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

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

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Voting Nay: None.

Motion carried.

- The next matter before Council was the Rezoning Application of Rodney Blakeman. Ordinance No. 2859 was introduced on third 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.

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 6th 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.]

A motion was made by Councilman Mischnick, seconded by Councilman Reynolds to approve the final reading of Ordinance No. 2859. Clerk Jines read the ordinance by title.

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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 NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH 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.

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

Roll call vote on the final reading of Ordinance No. 2859 with the following results:

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

Voting Nay: None.

Motion carried.

Vice Mayor Korber-Gonzalez stated, “the passage and adoption of Ordinance No. 2859 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- Council next held a Public Hearing on the proposed Revised and Amended Economic Development Plan. Following the Public Hearing Council reviewed Resolution No. 18-78 which will present the Economic Development Plan and Sales Tax Renewal to the voters at the General Election in November, 2018.

Vice Mayor Korber-Gonzalez 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 Revised and Amended Economic Development Plan and opened the public hearing at 7:14 p.m.

No testimony was offered, the Public Hearing closed at 7:15 p.m.

A motion was made by Vice Mayor Korber-Gonzalez, seconded by Councilman Mischnick to approve Resolution No. 18-78 which follows in its entirety.

RESOLUTION NO. 18-78

Be it resolved by the Mayor and City Council of the City of Alliance, Nebraska:

1. The City currently imposes a City Sales and Use Tax in the amount of 1.5% pursuant to the Local Option Revenue Act, sections 77-27,142, *et seq.* of the Nebraska Statutes. The current City Sales and Use Tax expires on March 31, 2020, unless extended by a vote of the electors before that date:

2. The City currently has an Economic Development Plan in place pursuant to the Local Option Municipal Economic Development Act, sections 18-2701, *et seq.* of the Nebraska Statutes. The ability to allocate a portion of the City Sales and Use Tax for the funding of this Plan expires on March 31, 2020, unless extended by a vote of the electors before that date.

3. The attached Plan for the City of Alliance Economic Development Program is incorporated in this Resolution by reference. This Amended Plan was reviewed at a public

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hearing on July 3, 2018, and is now adopted by this Resolution. A copy of the Plan has been filed with the City Clerk, who shall make it available for public review at City Hall during regular business hours.

4. At the November 6, 2018 general election, the ballot will include the opportunity for the qualified electors of the City to:

- a. Extend the existing Sales and Use Tax; and
- b. Consider the continued allocation of a portion of the Sale and Use Tax toward the City's Economic Development Program, and to amend the Plan under which that Program is established.

5. The following Propositions in the form shown below shall be submitted to the qualified electors of the City for their approval or disapproval at the general election:

Proposition No. 1:

Shall the City Council of the City of Alliance, Nebraska continue to impose a Sales and Use Tax in the amount of 1.5% upon the same transactions within the City on which the State of Nebraska is authorized to impose a tax, subject to the terms and conditions of the Proposition as set out below?

_____ Yes (For continuing the Sales and Use Tax)

_____ No (Against continuing the Sales and Use Tax)

Terms and Conditions: The terms and conditions of Proposition No. 1 are as follows:

a. Economic Development Portion: If Proposition No. 2 passes, a portion of the City Sales and Use Tax shall be allocated to the Economic Development Program as provided for in the Plan. If Proposition No. 2 fails, Proposition No. 1 may pass and the funds otherwise allocated under Proposition No. 2 may be expended by the City within the general funds of the City.

b. Termination of Tax: The City Sales and Use Tax shall automatically terminate on March 31, 2030, unless the tax is extended by a vote of the electorate prior to that date.

Proposition No. 2

Shall the City of Alliance, Nebraska amend its existing Economic Development Program as described below by appropriating annually from local sources of

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revenue as determined by the City Council during each budget year, up to a maximum of \$200,000 per fiscal year, while the City Sales and Use Tax provided for in Proposition No. 1 is in existence:

_____ Yes (For continuing the Program)

_____ No (Against continuing the Program)

Terms and Conditions: The terms and conditions of Proposition No. 2 are as follows:

- a. If Proposition No. 2 fails, the current Economic Development Program of the City of Alliance, Nebraska shall remain intact as previously approved.
- b. If Proposition No. 1 fails but Proposition No. 2 passes, the Economic Development Program of the City of Alliance, Nebraska shall continue as amended by Proposition No. 2 to extent of existing funds at the time of the amendment and any revolving funds from then-existing projects of the Economic Development Program.

Description of the Economic Development Program: The Economic Development Program, as amended and approved by the City Council, is summarized as follows:

- a. General Description of the Program: The goal of the Economic Development Program is to provide quality jobs to the citizens of Alliance, Nebraska. Activities included in the Economic Development Program are direct loans or grants to qualifying businesses for fixed assets or working capital or both, loan guaranties for qualifying businesses, grants for public works improvements and job training, real estate purchases and options, issuance of bonds, the costs of implementing the program, grants or loans for job training or for relocation incentives to new residents, technical assistance, and equity investment. Qualifying businesses include those which derive their principal source of income from (1) manufacturing, (2) conduct of research and development, (3) processing, storage, transport, or sale of goods or commodities in interstate commerce, (4) the sale of services in interstate commerce, (5) headquarters facilities relating to eligible activities under the Economic Development Program, (6) telecommunications activities, (7) tourism-related industry, (8) retail sales provided that such is limited according to the terms of the Plan, (9) construction or rehabilitation of housing as provided for in the Plan, (10) the production of films, (11) any other business deemed to be qualifying businesses through future amendments to Nebraska law.
- b. Duration of the Program: The Economic Development Program is currently in existence and shall be extended until March 31, 2045.

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c. Years of Collection of Funds: If Proposition No. 1 passes, collection of additional funds for the Economic Development Program shall be on all taxable sales beginning on April 1, 2020 and shall end on March 31, 2030, unless otherwise extended by the qualified electors of the City.

d. Source of Funds: If Proposition No. 1 passes, the source for Economic Development Funds shall be a portion of the City Sales and Use Tax as determined by the City Council during each budget year, up to a maximum of \$200,000 per year. The City may issue bonds pursuant to the Local Option Municipal Economic Development Act.

e. Total Amount to be Collected: The total amount to be collected from local sources of revenue shall be the lesser of (1) the maximum of \$200,000 per fiscal year for the next 10 fiscal years, or (2) the amounts allocated to the Economic Development Program by the City Council from the City Sales and Use Tax.

f. Additional Sources of Funds: Additional funds from other non-city sources will be sought beyond those derived from local sources of revenue.

6. Electors desiring to vote in favor of or against the propositions shall do so in the manner specified in the ballot form as provided by the Box Butte County Clerk.

7. The general election shall be conducted by the Box Butte County Clerk at polling places established by the County Clerk in each of the City's precincts. The polls shall be open from 7:00 a.m. through 7:00 p.m. on the day of the general election.

8. The foregoing notice required by law shall be published in the Alliance Times Herald, a legal newspaper of general election in the City not more than 30 days nor less than 10 days before the date of the election. The notice shall be in substantially the following form:

**City of Alliance, Nebraska
Notice of Election**

Notice is given that at the general election on Tuesday, November 6, 2018, at the usual polling place in each precinct of the City of Alliance, Nebraska, the ballot will include for the electors of the City for their approval or rejection, the following propositions:

[Insert text of Proposition No. 1 and Proposition No. 2 from Paragraph 5 of this Resolution in the notice]

The polls will be open from 7:00 a.m. through 7:00 p.m. on the election day. Absent, disabled, and confined voters' ballots may be obtained from the County Clerk as provided by law. Copies of the propositions may be obtained at the

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office of the Alliance City Clerk at City Hall, 324 Laramie Avenue, Alliance, Nebraska 69301.

Dated: _____, 2018.

/s/ City Clerk

9. The City Clerk shall cause a certified copy of this Resolution to be delivered to the Box Butte County Clerk.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 18-79 which will award the Property & Casualty insurance bid to Gregory's Insurance, Inc. utilizing Traveler's Insurance Company in the amount of \$525,912 was the next matter for Council to address. Council was provided with the following information:

[The City of Alliance has contracted with Gregory's Insurance, Inc. since 2011 to provide property and casualty insurance coverage with Traveler's Insurance for the primary insurance package and with Phoenix Aviation through Old Republic Insurance Company for the airport general liability policy. This year Gregory's Insurance bid our package through the five companies that provide Public Sector business in Nebraska. Three companies responded to the request.

Our broker Gregory's Insurance and staff are pleased to recommend that the City remain with our current carrier, Traveler's Insurance. The premium quote for the fiscal year beginning August 1, 2018 reflects an **18% decrease at \$525,912.00**. Our current year premium was \$641,518.

The three areas reflecting the majority of the decrease are (1) boiler/equipment breakdown, (2) umbrella/excess liability and (3) workers compensation. Workers Compensation is based on actual payroll and includes the increased payroll. Our Workers Compensation Experience Modification Factor is at an all-time low, .81 for the upcoming year. We believe this is partly a result of our renewed training efforts to promote safety and or efforts to curb claims.

The City did receive a bid from EMC Insurance which was \$6,000 lower in premium; however we believe the convenience of having all our coverages in one

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policy along with the individualized supplemental services the City receives from Traveler's more than make up this difference. We are also very pleased with the handling, resources provided and outcomes of several difficult and high dollar claims we have had to deal with over the last year.]

A motion was made by Councilman Reynolds, seconded by Councilman Jones to approve Resolution No. 18-79 which follows in its entirety:

RESOLUTION NO. 18-79

WHEREAS, The City of Alliance recognizes the importance of purchasing insurance to protect against significant loss which affect the budget and would impact the operation of the City of Alliance; and

WHEREAS, The City desires to provide the best protection at the lowest cost to give the taxpayers the most insurance for their taxpayer dollar; and

WHEREAS, The City of Alliance entered into a contract with Gregory's Insurance, Inc. to provide Property and Casualty insurance coverages with Traveler's Insurance as the package provider and Phoenix Aviation, who provides the Airport General Liability policy; and

WHEREAS, The City's coverages and premiums have been bid and reviewed by our broker Gregory's Insurance, Inc. and they have made a recommendation for the renewal of policies to be effective August 1, 2018 with Traveler's Insurance.

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Alliance that the Mayor is authorized to sign a contract for insurance with Gregory's Insurance, Inc. in the amount of Five Hundred Twenty-five Thousand Nine Hundred Twelve dollars and no/100ths (\$525,912.00).

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 18-80 which will allow for the relocation the sanitary sewer main and line underneath the Alliance Public Schools Track property at the School's expense and have the City transfer property to the Schools. Council was provided with the following 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 14th Street and that ownership of said vacated portion be transferred to the adjacent property owner.

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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 review of the construction drawings, it was 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 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 but 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.

Staff is proposing the City reroute the sanitary sewer main so that the main under the track may be abandoned. The sewer would be rerouted from the manhole located in East 14th Street towards the west to Box Butte Avenue, then turn north for approximately 430' and tie in to the sewer trunk line for Lift Station C (see attached map). In return for this reroute, the City will transfer the school district the 80' wide right of way for Niobrara Avenue and the vacated south 8' of East 14th Street for the cost of the sanitary sewer main reroute.]

A motion was made by Councilman Jones, seconded by Councilman Reynolds to approve Resolution No. 18-80 which follows in its entirety:

RESOLUTION NO. 18-80

WHEREAS, The Alliance Public School District is in the process of replacing the track and other concrete surfaces; and

WHEREAS, The City of Alliances owns and maintains a 10" sanitary sewer main that is located below a portion of the track property; and

WHEREAS, Niobrara Avenue between Block 5 and Block 6 of Box Butte Addition which is located on a portion of the track property was vacated by the City in 1949 with the City retaining ownership; and

WHEREAS, The 10" sanitary sewer main will need to be abandoned and rerouted to avoid potential damage of the new track surface; and

WHEREAS, Staff received an estimate of Forty-eight Thousand Nine Hundred Thirty (\$48,930) for the abandonment and relocation of the sanitary sewer main; and

WHEREAS, In exchange for the reroute of the sanitary sewer main, the City will transfer

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the right-of-way of Niobrara Avenue to the Alliance Public School District; and

WHEREAS, The City Council finds that this resolution is reasonable and appropriate and in the best interest for the City of Alliance and Alliance Public School District.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, the Alliance Public School District will take financial responsibility for the costs associated with the abandonment and reroute of the sanitary sewer main in exchange for the transfer of the 80' wide right-of-way for Niobrara Avenue and the vacated south 8' of East 14th Street.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on the agenda was Resolution No. 18-81 which will expand the City's current Hiring Bonus Policy. Council was provided with the following background information:

[In 2008, Council adopted a Hiring Bonus Policy for the Alliance Police Department. This resolution expands upon those limits to include all positions within the City.

It also:

1. Sets the maximum Hiring Bonus for ALL positions at 10% of highest wage,
2. Allows for special consideration/emergency situations that would allow the City Manager to authorize a higher amount with Council's approval, and
3. Outlines the payment of the bonus in a consistent manner.

In this difficult labor market the City has highly specialized positions and it is getting more difficult to attract top talent. This policy will allow the City to be consistent across all departments while acknowledging conditions sometimes exist to reach beyond these limits.]

A motion was made by Vice Mayor Korber-Gonzalez, seconded by Councilman Mischnick to approve Resolution No. 18-81 which follows in its entirety:

RESOLUTION NO. 18-81

WHEREAS, The City of Alliance has experienced difficulties in attracting qualified candidates for employment with the City of Alliance including but not exclusive to Police Officers and Journey Lineman; and

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WHEREAS, The City of Alliance proposed the establishment of a new policy to pay a hiring bonus for certain new employees to the City of Alliance, which shall supersede any previous policies on hiring bonuses; and

WHEREAS, The proposed Hiring Bonus Policy has been prepared and reviewed by the City Manager, City staff, and legal staff; and

WHEREAS, City Council has reviewed the proposed Hiring Bonus Policy and finds it appropriate for the needs of the City of Alliance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Hiring Bonus Policy as set forth herein, is hereby approved, and adopted effective upon passage, as the Hiring Bonus Policy of the City of Alliance.

BE IT FURTHER RESOLVED that the Hiring Bonus for all City of Alliance positions shall not exceed ten percent (10%) of the maximum salary of the position being offered.

BE IT FURTHER RESOLVED that in situations that require emergency action or special consideration, the City Manager, with City Council's approval, may authorize an amount that exceeds ten percent (10%) of the maximum salary of the position being offered.

BE IT FURTHER RESOLVED that the amount of the Hiring Bonus to be paid shall be based upon qualifications and will be determined by the City Manager and the Department Head for the relevant position.

BE IT FURTHER RESOLVED that the total amount of any Hiring Bonus shall be paid incrementally. The amount of each incremental payment shall be left to the discretion of the City Manager and the relevant Department Head. The first payment shall be disbursed after the employee has completed 30 days of employment. The second payment shall be disbursed upon the employees' satisfactory completion of the probationary period. The final payment shall be disbursed upon completion of the employees' second year of employment.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 18-82 will authorize staff to secure interim financing in the amount of \$500,000 from Farmers State Bank of Alliance, NE for the purchase and remodel of the former Bomgaars Building (1200 Flack Avenue). Council was provided with the following background information:

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[The Alliance City Council approved a Purchase Agreement with Next Generation Properties of Nebraska, LLC at its June 5, 2018 meeting for the purchase of the former Bomgaars retail building located on 1200 Flack Avenue. This facility will allow transfer of operations and storage for the Public Transit Program and Parks Department to that location.

The purchase in the amount of \$325,000 and improvements estimated at \$175,000 will be financed by an interim line of credit with long-term financing obtained after completion of the improvements. Quotes were requested from all local banks with five banks offering quotes.

Bank	Rate	Rate Type	Term	Int. Paid	Fees
Bank of the West	3.00%	Variable	18 Month	Monthly	None
Farmers State Bank	3.00%	Fixed	12 Month	Quarterly	\$500 Origination
Great Western Bank	3.20%	Fixed	24 Month	Semiannually	None
First National Bank	3.48%	Fixed	18 Month	Monthly	\$500 Origination
Sandhills State Bank	4.15%	Fixed	12 Month	Maturity	None

Staff is recommending the approval of the interim financing with Farmers State Bank as it offers a fixed-rate option for 12 months, which seems prudent in a rising-rate environment. This interim financing is unsecured and based solely on the financial strength of the City.]

A motion was made by Councilman Mischnick, seconded by Vice Mayor Korber-Gonzalez to approve Resolution No. 18-82 which follows in its entirety:

RESOLUTION NO. 18-82

WHEREAS, Nebraska LB152 authorizes cities of the First Class to borrow money from insured banks up to 10% of their annual budget upon the credit of the City and pledge the credit, revenue, and public property of the City for the payment thereof when borrowing through traditional bonds is not practical or cost-effective; and

WHEREAS, The City approved a Purchase Agreement with Next Generation Properties of Nebraska, LLC for the purchase of 1200 Flack Avenue for the transfer of operations and storage for the Public Transit Program and Parks Departments; and

WHEREAS, The City issued requests for quotes and funding options and five responses were received; and

WHEREAS, The preliminary offer which has been received from Farmers State Bank for interim financing of the purchase of 1200 Flack Avenue for 12 months at a fixed interest rate of 3.00% appears to be the quote which is the most advantageous to the City.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance is authorized to complete a loan application in the

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amount of Five Hundred Thousand and No/100ths Dollars (\$500,000) for the purchase of 1200 Flack Avenue for 12 months at a fixed interest rate of 3.00% with Farmers State Bank.

BE IT FURTHER RESOLVED, that the Mayor of the City of Alliance is authorized to sign on behalf of the City, promissory notes and other necessary documents, and renewals or extensions thereof, for the purpose of evidencing a debt to Farmers State Bank in the amount of Five Hundred Thousand and No/100ths Dollars (\$500,000) for the purchase of 1200 Flack Avenue for 12 months on the terms set forth herein.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Next before Council was Resolution No. 18-83 which will authorize Keep Alliance Beautiful to place nine cigarette disposal receptacles within downtown to order to aid with cigarette litter prevention.

A motion was made by Councilman Reynolds, seconded by Councilman Jones to approve Resolution No. 18-83 which follows in its entirety:

RESOLUTION NO. 18-83

WHEREAS, Keep Alliance Beautiful was successful in obtaining a grant through the 2018 Cigarette Litter Prevention; and

WHEREAS, Keep Alliance Beautiful has purchased nine cigarette disposal receptacles to be placed downtown to reduce cigarette litter; and

WHEREAS, Keep Alliance Beautiful will be responsible for the disposal, maintenance, storage and replacement of the receptacles; and

WHEREAS, Keep Alliance Beautiful will ensure no damage to downtown streets, sidewalks, benches, light poles, trash receptacles, irrigation, flower beds or trees when placing the receptacles; and

WHEREAS, The City of Alliance has the authority to request Keep Alliance Beautiful to remove or relocate the cigarette disposal receptacles if deemed necessary.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City is authorizing Keep Alliance Beautiful to place nine cigarette disposal receptacles within the downtown area as part as the 2018 Cigarette Litter Prevention Program.

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Kathy Worley, Executive Director of Keep Alliance Beautiful appeared before Council and described the proposed 2018 Cigarette Litter Prevention Program.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Vice Mayor Korber-Gonzalez announced the following board vacancies.

The City has 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.

- The final item on the agenda was an Executive Session for the protection of the public interest regarding a potential real estate 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 potential real estate matter and to protect the public interest. The motion was seconded by Councilman Mischnick.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

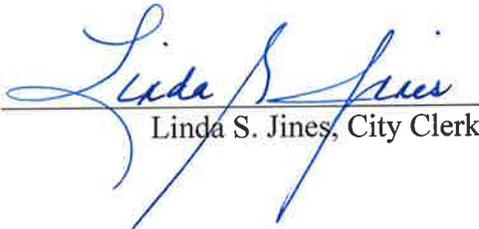
The closed session began at 7:40 p.m. and ended at 8:57 p.m. No additional action was taken.

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- Vice Mayor Korber-Gonzalez stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:58 p.m."


Pasha Korber-Gonzalez, Vice Mayor

(SEAL)


Linda S. Jines, City Clerk

