

July 17, 2018

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, JULY 17, 2018

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

The Alliance City Council met in a Regular Meeting, July 17, 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 July 11, 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 July 17, 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 City Clerk Jines.

- Mayor Yeager announced the Open Meetings Act was available for the public and posted on the north wall of the audience area.
- Council first announced the hiring of new Public Transit employees, Rodney Wilhelm, Frankie Boerschig and Deb Hanks.
- The next item on Council’s agenda was the Consent Calendar. A motion was made by Councilman Korber-Gonzalez, seconded by Councilman Mischnick to approve the Consent Calendar as follows:

CONSENT CALENDAR – JULY 17, 2018

1. Approval: Minutes of the Regular Meeting, July 5, 2018.

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2. Approval: Payroll Costs for the period June 16, 2018 through June 29, 2018: \$328,232.69.
3. Approval: Claims against the following funds for the period of June 28, 2018 through July 11, 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: \$1,085,989.42.
4. Approval: The issuance of the following Contractor licenses:

Master HVAC	Jerad Wilson dba Z & S Sheet Metal Scott Diehl – Metal Products Co. dba MPC Heating & Cooling
Gas Fitter	Jerad Wilson dba Z & S Sheet Metal Scott Diehl – Metal Products Co. dba MPC Heating & Cooling
Limited & Specialty	RJ Corman Railroad Services, LLC
Roofer	Thomas Barrios dba Barrios Roofing
Repair & Mtc.	Bryan J. Krantz dba Alliance Seamless Gutters
5. Approval: Resolution No. 18-84 accepting a donation from the Alliance Public Library Foundation for a Cricut Maker valued at \$380 and a GrandeMark 2 Cutting Machine valued at \$642. These are upgrades to the equipment already owned by the Library. Funding for these upgrades were raised through the Library Foundation Bookstore.
6. Approval: Resolution No. 18-94 will approve the Amended Contract for Public Improvements with Virgil and Geraldine Blakeman in order to update the legal description of the property listed within the Contract.
7. Acceptance: Letter of Completion from Peltz Companies, Inc. for the demolition of buildings located at 100 Big Horn Avenue and 1603 Cheyenne Avenue. Peltz Companies, Inc. was contracted by the City to perform the demolition.

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-Gonzalez, Mischnick, Reynolds.

Voting Nay: None.

Motion carried.

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- The next item on the agenda was the presentation of Tami Swearingen for the Pillars in the Park Project.

Tami Swearingen introduced three youth members of the Pillars for the Parks group and announced they have raised \$28,129.38 to date and have a \$250,000.00 pledge to go towards the project. Ms. Swearingen requested permission to once again place donation canisters at various businesses within the community. This was a good money maker last year and several businesses have expressed a willingness to participate again this year. She also requested the City hire an engineer to complete the plan for the Pillars Project at the City's expense.

A motion was made by Councilman Jones to authorize the placement of donation canisters at area businesses for a six month period of time. The motion was seconded by Councilman Reynolds.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

No action was taken on the request for the hiring of an engineer at the City's expense.

- The second 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.

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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 Mayor Yeager to approve the second reading of Ordinance No. 2862. Councilman Jones seconded the motion. Clerk Jines read the ordinance by title which follows in its entirety.

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 second reading of Ordinance No. 2862 with the following results:

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

Voting Nay: None.

Motion carried.

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

A motion was made by Councilman Mischnick to approve the third reading of Ordinance No. 2860. Councilman Jones seconded the motion. Clerk Jines read the ordinance by title which follows in its entirety.

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:

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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.

(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.

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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 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.

A motion was made by Mayor Yeager, seconded by Councilman Reynolds to table the third reading of Ordinance No. 2860 until the August 21, 2018 meeting in order for staff to provide Council with a financial summary of costs associated with the proposed amendment.

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Roll call vote to table the third reading of Ordinance No. 2860 with the following results:

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

Voting Nay: None.

Motion carried.

- The third 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 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 which follows in its entirety.

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.

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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 final reading of Ordinance No. 2861 with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, "the passage and adoption of Ordinance No. 2861 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 Class LK Liquor License Application of Brewery 719 LLC. Following the public hearing, Council considered Resolution No. 18-85 which has been prepared to recommend approval of the license. Council was provided with the following background information:

[The City is in receipt of a Class LK liquor license application from Brewery 719 LLC, 817 East 3rd Street. The license application is included in the packet. No disqualifiers came from a background check conducted by the Alliance Police Department.

HEARING PROCESS -

1. Mayor or council member announces agenda item.
2. Mayor opens public hearing and asks clerk what exhibits she has.
3. Clerk identifies application, checklist for 53-132, Chief's report, and other documents she may have received.
4. Mayor asks for a motion that the exhibits be received into the record, second and vote.
5. Mayor asks for those who are going to give testimony to stand and be sworn.
6. Mayor says "do you swear or affirm to tell the truth so help you God".
7. Individuals respond.
8. Those individuals should include the applicant who must prove to the council's satisfaction the elements on the top part of the checklist. They will also include individuals who may speak either in favor or against the application and police chief who will hit the high points of his report.

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9. Mayor calls on applicant to make a presentation.
10. While applicant is still at the podium, the Mayor will call on the City Attorney for any questions and to council and himself for questions.
11. Mayor asks for others who wish to speak in favor of the application and follows the same process for questions.
12. Mayor then calls upon those who wish to speak against and follows the same process for questions.
13. Mayor then calls on the police chief for his comments.
14. Mayor asks if there is any other testimony.
15. Mayor closes the public hearing and asks for comment from the City Attorney.
16. Mayor asks for comment from Council and himself.
17. Mayor asks for a motion.
18. The motion is either to make a positive or negative recommendation on the application to the Liquor Control and to reference the elements on the top of the checklist and ask staff to prepare Resolution for the Mayor's signature.
19. After a second, Mayor calls for a vote.]

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 Class LK Liquor License Application of Brewery 719 LLC and opened the public hearing at 7:39 p.m.

City Clerk Jines identified the following exhibits for the hearing:

- Exhibit 1 - Application of Brewery 719 LLC, 817 East 3rd Street, Alliance
- Exhibit 2 - City Council checklist for Section 53-132 R.R.S. (1984).
- Exhibit 3 - Written statement of Police Chief dated July 11, 2018.

Councilman Jones made a motion to accept Exhibits 1-3 into the record. Councilman Korber-Gonzalez seconded the motion.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

The Mayor Yeager swore in Toni McCoy, Nick McCoy, Don Sulzbach representatives of Brewery 719 LLC and Police Chief Kiss to give testimony regarding the liquor application.

Toni McCoy and Nick McCoy, 324 Missouri Avenue, co-applicants of the LK License Application were present to answer questions of Council and legal counsel.

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Police Chief Kiss reported the applicants had a positive background check and he stated were eligible to hold a liquor license

No additional testimony was offered and the Public Hearing closed at 7:49 p.m.

A motion was made by Councilman Korber-Gonzalez, seconded by Councilman Mischnick to approve Resolution No. 18-85 which follows in its entirety.

RESOLUTION NO. 18-85

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

On July 17, 2018 the matter of the Class LK Liquor License application of Brewery 719 LLC, 817 East 3rd Street, Alliance, NE, came on for consideration by the Council.

The following exhibits were offered and received:

- Exhibit 1 - Application of Brewery 719 LLC, 817 East 3rd Street, Alliance
- Exhibit 2 - City Council checklist for Section 53-132 R.R.S. (1984).
- Exhibit 3 - Written statement of Police Chief dated July 11, 2018.

Witnesses were sworn and testimony was received in support of the Class LK Liquor License at the public hearing on this date from Toni M. McCoy, Nicholas McCoy and Don Sulzbach. 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).

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 Brewery 719 LLC 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 LK Liquor License Application of Brewery 719 LLC at the premise described in the application be approved with the following conditions:

1. Completion of the Nebraska State Patrol Alcohol Training Program by all staff.

City Clerk shall transmit a copy of this Resolution to the Commission.
Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 18-86 which will recommend approval of the Manager Application of Nathan Malcolm for Shopko Hometown #694, was the next item on the agenda. Council was provided with the following information:

[The City of Alliance is in receipt of the Manager Application of Nathan M. Malcolm for the liquor license of Shopko Hometown #694, 312 Flack Avenue, Alliance, Nebraska. Mr. Malcolm has completed the Responsible Beverage Service Training in Nebraska. Police Chief Kiss completed a background check on Mr. Malcolm and has found no reason to deny the application.]

Mr. Malcolm was in attendance at the meeting and appeared before Council to answer questions.

A motion was made by Councilman Reynolds, seconded by Councilman Mischnick to approve Resolution No. 18-86 which follows in its entirety:

RESOLUTION NO. 18-86

WHEREAS, The City of Alliance has received a notice and copy of a Manager Application for Shopko Hometown #694, 312 Flack Avenue, Alliance, Nebraska submitted by Nathan M. Malcolm; and

WHEREAS, City staff has reviewed the application and finds no reason why the proposed manager, Nathan M. Malcolm, would be disqualified from serving as manager.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that the Manager's Application of Nathan M. Malcolm for Shopko Hometown #694, 312 Flack Avenue, Alliance, Nebraska is hereby recommended for approval to the Nebraska Liquor Control Commission.

BE IT FURTHER RESOLVED, that the City Clerk shall notify the Nebraska Liquor Control Commission of this Council decision.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

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- Resolution No. 18-87 which authorizes the City of Alliance to participated in a social media event to assist with the launch of a new software, was the next Council item.

A motion was made by Councilman Korber-Gonzalez, seconded by Councilman Reynolds to approve Resolution No. 18-87 which follows in its entirety:

RESOLUTION NO. 18-87

WHEREAS, The City of Alliance has been requested to participate in a social media event the week of August 5th through the 12th, 2018; and

WHEREAS, As part of this event, the City will allow the use of propaganda posters and banners throughout the community and with the permission of property owners; and

WHEREAS, A temporary statute will be constructed within a City of Alliance park which will be coordinated with Cultural and Leisure Services Director Brown to ensure there will not be a negative impact to the area; and

WHEREAS, Costumed characters will be walking throughout the community 2-3 times daily; and

WHEREAS, There may be a need to temporarily close a street for short periods of time to allow for filming.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City will participate in the social media event as proposed.

BE IT FURTHER RESOLVED that the firm requesting permission for the social media event will provide adequate liability insurance coverage which will include naming the City of Alliance as an additional insured on the policy.

BE IT FURTHER RESOLVED that any temporary street closure for the purpose of filming will be pre-approved through City Manager Kuckkahn.

Mr. Robert Taylor, Irvine, CA shared with Council their plans while in Alliance. They do not require the closure of any streets but would like to utilize three parking spaces in the downtown area during times of filming.

Roll call vote on Resolution No. 18-87 with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on the agenda was the discussion regarding the relocation of the sewer main located at the Alliance track property.

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Troy Unzicker, Alliance Public Schools Superintendent addressed Council and informed them that the School Board met last night (June 16, 2018) and would like to accept the donation of land from the City and not have the sewer main moved. The School Board would like the City to continue to maintain the sewer main as is.

City Manager Kuckkahn informed Council that there were several problems with the proposal to keep the sewer main where it is now.

1. If the sewer main fails, there could be a serious problem as it could take several weeks to repair the service leaving the school and area residents without sewer services.
2. There will be additional expenses if delayed.
3. The dollar amount of this project warrants the moving of the sewer main.
4. The City does not allow building over a sewer line. A previous example which involved the schools was the addition to the Middle School which the schools paid for the relocation of an existing line.

Terry Curtiss, 5922 Keith Road, Alliance is a member of the Alliance Public School Board addressed Council. He believes the City should be responsible for the relocation of the sewer main as the City charges the Schools to be connected to the sewer system. He stated this particular lines not only services the schools but three residential households who could have some participation in the project. Mr. Curtiss stated that if the current line was abandoned consideration of the existing restroom/concession stand facility within the stadium area would need to be addressed for continued sewer service.

Terry Peltz, 206 West 29th Street, Alliance representing the construction company hired by the school system addressed Council. Mr. Peltz stated it was imperative that the project continue as he planned with concrete being delivered early tomorrow morning. He stated his company did not have building permits for this project. He stated to Council he was told he did not need building permits for this project by Community Development staff.

A motion was made by Councilman Mischnick which was seconded by Councilman Reynolds to allow the track construction to continue and to have staff schedule a joint meeting between the School Board and the City Council.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- The item on the agenda which was the request of Vitalix Inc. to purchase real estate at the Alliance Airport was removed from the agenda at the request of Vitalix Inc.

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- The next item before Council was Resolution No. 18-88 which will adopt Police Policy No. 43.6 – Active Shooter. Council was provided with the following background information:

[The Police Department is adding an additional Active Shooter Policy. The purpose of this policy is to provide protocols for assessing the threat and deployment for rapid intervention tactics to limit serious bodily injury or death during an active shooter situation. While the term “Active Shooter” is used throughout, this policy applies to all situations where there is an “Active Deadly Threat”, to include, but not limited to, firearms, knives, explosives or any other device used to seriously injure or kill.

The Active Shooter Policy is to be implemented by the Alliance Police Department in situations where ongoing deadly force is being used or likely to be used by a suspect(s). A rapid intervention by officers at the scene will be authorized when such actions are deemed reasonable to prevent further loss of life or serious bodily injury.

The Incident Command system will be utilized. It is essential that a policy be in force with the numerous active shooter situations that have been occurring across this nation. Considering risk management and what has occurred during recent years in regard to police responses to these situations, it is important to have an approved plan, trained staff and be prepared for the event that we hope never happens.]

A motion was made by Councilman Jones, seconded by Councilman Reynolds to approve Resolution No. 18-88 which follows in its entirety:

RESOLUTION NO. 18-88

WHEREAS, The Alliance Police Department maintains a Policy and Procedure Manual which has been adopted by the Alliance City Council; and

WHEREAS, The Alliance Police Department desires to create a policy for the event of an Active Shooter; and

WHEREAS, The Active Shooter Policy will establish protocols for assessing the threat and the deployment for rapid intervention tactics; and

WHEREAS, The Policy will be referred to as 43.6 – *Active Shooter Policy*.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Alliance Police Department Policies as revised with the addition of 43.6 – Active Shooter Policy is hereby approved and adopted effective July 17, 2018 as the Policy of the City of Alliance.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Next before Council was the determination of a three-lane or four-lane option for the 3rd Street Overlay Project. This item was reviewed with Council at their June 19th meeting. Doug Hoevet, District 5 Engineer with the Nebraska Department of Transportation, provided staff with two estimates for the 3rd Street Overlay Project that outlines the four-lane option vs. a three-lane option. The State of Nebraska is requesting Council select which option they should move forward with for design and billing. Staff has prepared two version of the resolution for your consideration: No. 18-89A will select the three lane option; No. 18-89B will select the four lane option.

A motion was made by Councilman Reynolds, seconded by Councilman Mischnick to approve Resolution No. 18-89B the four lane option, which follows in its entirety:

RESOLUTION NO. 18-89B

WHEREAS, The resurfacing of a portion of U.S. Highway 385 (locally known as Third Street) in Alliance, Nebraska has been proposed by the Nebraska Department of Transportation; and

WHEREAS, The Nebraska Department of Transportation has proposed two options for Council's consideration: a four lane layout with an estimated cost of \$1,276,653.71 to the City or a three lane layout with an estimated cost of \$720,921.62 to the City; and

WHEREAS, The City Council finds that the resurfacing and the installation of a four lane layout is in the public interest to provide safe and modern roadways in the City.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City Council has selected the four lane option for the resurfacing of U.S. Highway 385 (locally known as Third Street) as presented by the Nebraska Department of Transportation at an estimated cost of \$1,276,653.71 to the City of Alliance.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the associated documents with the State of Nebraska for the selection of the four lane option.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

July 17, 2018

- The next item on the agenda was Resolution No. 18-90 which awards the Miscellaneous Street and Storm Drain Project to K.L. Wood & Company, LLC. The following information was provided to Council:

[As part of this year's budget process, the need for several storm drain repairs and small street repairs were identified. Funds for this service were approved and added to the Streets Fund. The Public Works Department advertised for bids in accordance with State law. K.L. Wood & Company and R & J Industries submitted bids on the project. M.C. Schaff and Associates, Inc. reviewed the bid submittals and made a recommendation to accept the proposal from K.L. Wood & Company in the amount of \$97,162.50 which is within the budgeted amount in GL account 24-41-41-44-472.]

A motion was made by Councilman Korber-Gonzalez, seconded by Councilman Mischnick to approve Resolution No. 18-90 which follows in its entirety:

RESOLUTION NO. 18-90

WHEREAS, The City of Alliance owns and maintains the street and storm drainage system for the residents of the City of Alliance; and

WHEREAS, The City of Alliance desires to have several storm drain and small street repairs completed; and

WHEREAS, The City issued a Request for Bids for the 2018 Alliance Miscellaneous Street and Storm Drain Repairs Project and two bids were received; and

WHEREAS, The bid from K.L. Wood & Company of Alliance, NE is the lowest responsive, responsible bidder and our engineer is recommending the contract award in the amount of Ninety-seven Thousand One Hundred Sixty-two and 50/100ths Dollars (\$97,162.50); and

WHEREAS, Funding for this purchase has been budgeted within the Street Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to signed the associated documents for the contract award to K.L. Wood & Company of Alliance, NE in the amount of Ninety-seven Thousand One Hundred Sixty-two and 50/100ths Dollars (\$97,162.50).

BE IT FURTHER RESOLVED that this project will be funded from CNTSVC-Concrete Street Repairs, Account No. 24-41-41-44-472.

Roll call vote with the following results:

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

Voting Nay: None.

July 17, 2018

Motion carried.

- Resolution No. 18-91 which awards the 2018 Alliance Overlay Project to Simons Contractors of Scottsbluff, NE. Council was provided with the following information:

[The 2018 One-year Street Plan identified several streets in need of overlay. The Public Works Department advertised for bids in accordance with State law. Simon Contractors and Werner Construction submitted bids on the project. M.C. Schaff and Associates, Inc. reviewed the bid submittals and made a recommendation to accept the proposal from Simon Contractors in the amount of \$740,846. Budget authority is included in the Streets Fund; however, several budget transfers are necessary to accommodate the project.]

A motion was made by Mayor Yeager, seconded by Councilman Korber-Gonzalez to approve Resolution No. 18-91 which follows in its entirety:

RESOLUTION NO. 18-91

WHEREAS, The City has determined that streets in the City of Alliance should be improved by overlaying the roads with asphalt; and

WHEREAS, The City issued a Request for Bids for the 2018 Alliance Overlay Project and two bids were received; and

WHEREAS, Our engineer, M.C. Schaff and Associates recommends that the City award the bid to Simon Contractors of Scottsbluff, NE in the amount of Seven Hundred Forty Thousand Eight Hundred Forty-six and no/100th Dollars (\$740,846).

WHEREAS, Funding for this project is available within the Street Fund but it will require the transfer of excess funds from other capital projects: Streetscape, Meadowood Trail and Heartland Expressway into the Asphalt Street Repair Account.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to signed the associated documents for the contract award to Simon Contractors of Scottsbluff, NE in the amount of Seven Hundred Forty Thousand Eight Hundred Forty-six and no/100th Dollars (\$740,846).

BE IT FURTHER RESOLVED that this project will be funded from CNTSVC-Asphalt Street Repair, Account No. 24-41-41-44-471, with transfers of excess funds from other capital projects: Streetscape, Meadowood Trail and Heartland Expressway being authorized.

Roll call vote with the following results:

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

Voting Nay: None.

July 17, 2018

Motion carried.

- The next item before Council was Resolution No. 18-92 which authorizes the use of \$20,000 from the City Council Contingency Fund for roof repairs at the Sallows Military Museum and the Municipal Building. Council was provided with the following information:

[Facilities Maintenance has identified two General Fund facilities that are in need of roof repair. Quotations were received from three area roofing companies. Moreno Construction was selected to replace the roof of the Sallows Museum at a cost of \$5,990.15 and Fisher Roofing was selected to complete major repairs on the Municipal Building roof at a cost of \$16,375.00. Neither of the projects were anticipated when budgeting for the current fiscal year necessitating the request for budget authority from Council Contingency in the amount of \$20,000.]

A motion was made by Councilman Mischnick, seconded by Councilman Reynolds to approve Resolution No. 18-92 which follows in its entirety:

RESOLUTION NO. 18-92

WHEREAS, The City of Alliance maintains public facilities; and

WHEREAS, Two of our facilities, the Sallows Military Museum and the Municipal Building are in need of roof repairs that were not known at the time the budget was approved; and

WHEREAS, Staff is recommending the use of \$20,000 of the City Council's Contingency Fund to cover the cost of the necessary repairs.

WHEREAS, If the request is approved there will be a remaining balance of \$121,000 in the City Council's Contingency Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, to authorize the transfer of \$20,000 from the City Council's Contingency Fund to be used for the necessary roof repairs in the amount of \$14,000 to Account No. 01-41-46-44-483 – NRCNTSVC-Building Public Works and \$6,000 to Account No. 01-71-78-44-479 – CNTSVC-Other.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

July 17, 2018

- The street closure request of Peltz Construction Company was removed by City Manager Kuckkahn.
- Board Appointments and Announcements were the final agenda items.

The City received a Board Application from Thomas Price requesting his reappointment to the Alliance Library Board.

A motion was made by Councilman Reynolds, seconded by Councilman Mischnick to reappoint Thomas Price to the Library Board with a term expiring June 30, 2022.

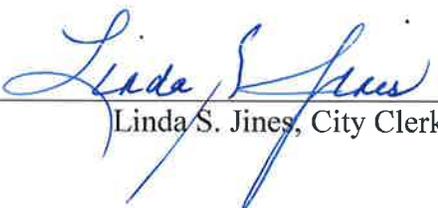
The City has vacancies on the Board of Adjustment, Downtown Improvement Districts A-1 and A-2, Economic Development Plan Citizen Advisory Board, one junior ex-officio member of the Library Board, Alliance Housing Authority, Park and Tree Board and Planning Commission. Anyone interested in serving on these Boards should contact the City Clerk's Office. Information on all the City Boards is also available on our website, www.cityofalliance.net.

- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:57 p.m."



Ralph Yeager, Mayor

(SEAL)



Linda S. Jines, City Clerk