

October 20, 2011

# ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, OCTOBER 20, 2011

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

The Alliance City Council met in a Regular Meeting, October 20, 2011 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 October 13, 2011. The notice stated the date, hour and place of the meeting, that the meeting was open to the public, and that an agenda of the meeting, kept continuously current, was available for public inspection at the office of the City Clerk in City Hall; provided the Council could modify the agenda at the meeting if it determined an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each of the City Council Members. An agenda, kept continuously current, was available for public inspection at the office of the City Clerk during regular business hours from the publication of the notice to the time of the meeting.

Mayor Feldges opened the October 20, 2011 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Feldges, Council Members Yeager, Benzel, and Gonzalez. Also present were City Manager Cox, City Attorney Miller and City Clerk Jines.

- Mayor Feldges read the Open Meetings Act Announcement.
- The first order of business was the swearing in of Wally A. Seiler as the new City Council member. City Clerk Jines administered the following oath to Mr. Seiler:

### OFFICIAL OATH

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

I, Wally A. Seiler, do solemnly swear that I will support and defend the Constitution of

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the United States and the Constitution of the State of Nebraska, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or for purpose of evasion; and that I will faithfully and impartially perform the duties of City Council Member, of the City of Alliance, Nebraska, according to law, and to the best of my ability.

And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence. So help me God.

Dated this 20th day of October, 2011.

/s/ Wally A. Seiler

- City Manager Cox introduced the following new employees of the City of Alliance:

Shelley Pfeiffer, Children's Librarian  
 Kerriann Jensen, Public Safety Dispatcher  
 Heather Cox, RSVP Clerk  
 Toni Ravert, Community Service Officer

City Manager Cox also introduced two boy scouts who were in attendance: Will Grant and Cole Walters, along with their Leader Brian Wilcox of Troop No. 1.

- The Consent Calendar was the next item on Council's agenda.

Motion by Councilman Benzel, seconded by Councilman Gonzalez to approve the Consent Calendar which follows in its entirety:

### **CONSENT CALENDAR – OCTOBER 20, 2011**

1. Approval: Minutes of the Regular Meeting, October 6, 2011.
2. Approval: Payroll and Employer Taxes for the period September 17, 2011 through September 30, 2011 inclusive: \$167,671.16 and \$11,879.96 respectively.
3. Approval: Claims against the following funds for the period October 3, 2011 through October 14, 2011: 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; \$374,339.45.
4. Approval: The issuance of a Cemetery Certificate to Angela White Crane Walking to the North Half of the Northwest Quarter (N ½ NW ¼) of Lot Sixteen (16), Section Two (2), Block Seventeen (17), Second Addition to the Alliance Cemetery.

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5. Approval: To make the final payment of the Fountain Note this fiscal year, instead of refinancing the note for fourteen months. Finance Director Waggener is recommending paying off the note which amounts to \$54,650 of which all but \$7,000 is budgeted this year. A memorandum providing the details of the recommendation along with a spreadsheet detailing the financing options are enclosed within the packet for Council's review.
  
6. Approval: The crushing of 5014.57 tons of concrete at \$8.25/ton and 855.27 tons of stock pile dirt at \$1.00/ton by Paul Reed Construction for a total of \$42,225.57, which will be charged to general ledger account 24-41-41-44-472. The work has now been completed as a continuation of the work that Paul Reed Construction already completed for the City of Alliance, thus avoiding further mobilization fees. One other company from Kearney was identified as a potential vendor and a quote was received that matched the \$8.25/ton; however, the company would have to also charge a mobilization fee of \$3,000, at an additional cost to the City. This material will be used within our alley system.

NOTE: City Manager Cox 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.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Benzel, Gonzalez, Seiler.

Voting Nay: None.

Motion carried.

- The next item before Council as the Conflict Claim of Mayor Fred Feldges in the amount of \$456.00 for mileage and parking expenses incurred for his attendance of the Nebraska Municipal League Annual Conference.

Motion by Councilman Gonzalez, seconded by Councilman Benzel to approve a Conflict Claim of Mayor Fred Feldges in the amount of \$456.00.

Roll call vote with the following results:

Voting Aye: Yeager, Benzel, Gonzalez, Seiler.

Voting Nay: None.

Abstaining: Feldges.

Motion carried.

- The following is an outline of the oral report given to Council by City Manager Cox:

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- 2<sup>nd</sup> phase of the Electric Reliability Study is underway
- WAPA is conducting work on their portion of our substation which may have a minor impact on service, if any
- Staff is currently working on a policy to authorize placement of liens on property which the City has had to abate nuisances
- The P.A.W.S. Group has applied for a grant to purchase cement for the north side of the Animal Shelter
- There will be a meeting next week regarding the Regional Law Enforcement Center between City staff, Sheriff Mowry and County Commissioner McCarthy
- Attended the NDOR meeting last week in Gering regarding economic development
- The new ARFF truck has been delivered to the airport
- Construction of the ARFF building has begun
- Formed two committees from the airport general interest meeting (1) “Fly Alliance” and (2) Airport Development
- Vitalix had the roof replaced on the City’s building which cost \$40,425 without the City’s approval before hand and want to be reimbursed for the expense.
- Municipal Building improvements continue:
  - Tuck pointing is now complete
  - Heating systems are being installed
  - Electric work in underway
  - Found a leaking pipe in the City Manager’s Office which caused mold which is currently being removed
  - The carpet on the front entry steps has been removed and a tacky surface will be applied
- The City’s auction of surplus property on PurpleWave.com closes on November 6<sup>th</sup> – our intention for the funds made from the sales is to purchase a “gently used” truck for the Parks Department. If additional funds remain the City may look at replacing the City travel car which is currently experiencing problems
- Training is underway for the Police Department staff for the Sleuth Program
- Staff has also started the recodification process of the Municipal Code with the grant award from the Nebraska State Records Board – completion is required by September 30, 2012
- Staff will be submitting a full application for the Meadowood Trail with the NDOR
- WNCC will be contributing \$5,000 to the replacement of the Library/Learning Center steps
- APS has offered to assist with snow removal at the Library/Learning Center
- Box Butte Development Corporation is focusing on three specific areas (1) acquisition and development, (2) downtown revitalization in conjunction with Historic Main Street, and (3) housing
- The City will soon be issuing Requests For Quotation from engineering firms for the Box Butte Avenue Streetscape/Revitalization Project
- Box Butte County has approved the Agreement with the City of Alliance regarding the West Plains Grain Project
- Visited with Mike Bacon regarding the progress of the West Plains Grain Project

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- Have a meeting on November 3<sup>rd</sup> with engineers referencing intermodal transportation
- Met with Nebraska Department of Economic Development and the President of the Nebraska Trucking Association
- WNCC has announced future training opportunities which may interest the City
- Upcoming events
 

10/25	Joint Meeting/Luncheon
10/27-28	League Large Cities Meeting in Lincoln (will be recommending text change from “blighted & substandard” to “economic redevelopment districts” and governing body nominating process
11/03	Intermodal Meeting at Airport
11/14-16	Service Excellence Training
10/21	West Plains Grain Open House

- Public Facilities Director Eric Lenz provided Council with an overview of the activities of the Street Division.

The status of Major Projects: Emerson Avenue, Potash Avenue, Box Butte Avenue Streetscape, 10<sup>th</sup> Street – Box Butte to Flack Avenues and Sweetwater Avenue.

The status of Maintenance Projects: crack sealing, street rehabilitation, asphalt overlaying, residential alley resurfacing, and the sidewalk replacement program.

- The next item for Council’s consideration was Ordinance No. 2692 regarding School Zones. City Manager Cox provided the following background information:

[1st Reading (9/15) -

At the 9/15 Council meeting, this Ordinance was introduced for consideration to reduce speed limits in the school zones. Discussion was held and different ideas were considered, including making the lower speed limits effective year-round. Following the first reading, comments from the public were invited and received.

2nd Reading (10/6) -

Following the first reading, Staff provided a press release to the Alliance Times-Herald (ATH) and KCOW Radio concerning this matter and asked for public comment. The press release in the ATH appeared on the front page in color on Friday, Sept 23. KCOW made numerous mentions of the request for comments during its broadcasts. Mixed comments from the public, mostly supportive of the change, were received.

At the 10/6 meeting, Chief Kiss then recommended that the school zones be in effect from 7:00 am to 4:00 pm daily while school is in session, which I had previously agreed with. Council approved amending the Ordinance to reflect the time period to be 7:00 am to 4:00 pm daily, whenever school is in session.

Purpose -

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The purpose of this measure is to bring danger relief to students by lowering the speed limits in these zones. Superintendent of Schools, Dr. Dan Hoelsing, has expressed strong support for this measure.]

Motion by Councilman Benzel, seconded by Councilman Gonzalez to approve Ordinance No. 2692 on third reading. City Clerk Jines read the ordinance by title which follows in its entirety:

**ORDINANCE NO. 2692**

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING SECTION 305, ARTICLE 3 AT CHAPTER 3, RELATING TO ESTABLISHMENT OF SCHOOL ZONES AND REGULATION OF SPEED LIMITS WITHIN THE SCHOOL ZONES AND REPEALING EXISTING PROVISIONS OF CITY CODE NOT CONSISTENT HEREWITH.

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

SECTION 1. The City of Alliance has established school zones to facilitate the safe arrival and return of children to and from schools in the City of Alliance.

SECTION 2. The City of Alliance, to make travel to and from schools safer for children and pedestrians, desires to make changes to the school zone areas.

SECTION 3. The Alliance Municipal Code at Chapter 3, shall be amended at Article 3, Section 3-305 as follows:

3-305. SCHOOL ZONES.

The school zones are described as follows:

Alliance Middle School, Alliance High School and St. Agnes Academy:

Box Butte Avenue from the north line of Tenth Street to the north line of Sixteenth Street; Laramie Avenue from the north line of Tenth Street to the north line of Fourteenth Street; Cheyenne Avenue from the north line of Tenth Street to the north line of Sixteenth Street; Big Horn Avenue from the north line of Tenth Street to the south line of Sixteenth Street; Eleventh Street from the east line of Box Butte Avenue to the west line of Laramie Avenue and from the east line of Toluca Avenue to the east line of Cheyenne Avenue; Twelfth Street from the west line of Big Horn Avenue to the east line of Box Butte Avenue; Fourteenth Street from the west line of Big Horn Avenue to the east line of Box Butte Avenue; and Sixteenth Street from the east line of Box Butte Avenue to the west line of Cheyenne Avenue.

Emerson Elementary School:

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Dakota Avenue from the south line of Sixth Street to the south line of Ninth Street; Colorado Avenue from the south line of Eighth Street to the south line of Ninth Street; Black Hills Avenue from the south line of Sixth Street to the south line of Ninth Street, Sixth Street from the west line of Platte Avenue to the west line of Dakota Avenue; Seventh Street from the west line of Black Hills Avenue to the west line of Platte Avenue; and Eighth Street from the west line of Platte Avenue to the west line of Dakota Avenue.

Grandview Elementary School:

Potash Avenue and Grand Avenue from the north line of Fifth Street to the north line of Seventh Street; Sixth Street from the east line of Mississippi Avenue to the west line of Hudson Avenue; and Seventh Street from the east line of Mississippi Avenue to the west line of Hudson Avenue.

The speed limit within all school zones shall be 20 miles per hour between the hours of 7:00 a.m. and 4:00 p.m. when school is in session.

SECTION 4. That current applicable City Codes of the City of Alliance, Nebraska, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

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 with the following results:

Voting Aye: Feldges, Yeager, Benzel, Gonzalez, Seiler.

Voting Nay: None.

Motion carried.

Mayor Feldges stated, "the passage and adoption of Ordinance No. 2692 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The next item before Council was Resolution No. 11-119 regarding the Nebraskalink Telecommunications Land Lease Agreement. City Manager Cox provided the following background information:

[We are in receipt of a request from the NebraskaLink folks regarding the leasing of a small 10x30' piece of City property on the water well land. The purpose of the lease is to construct and maintain communications equipment in order to support the organization's efforts to construct a statewide fiber communication system. If approved, the organization will construct on the 10x30' property an equipment cabinet, a 120-gallon LP tank, and a 8 kW Generator. There will also be room for a fiber bay, as well as, an area for future cabinet expansion. Finally, the organization will construct a fence to surround the 10x30' land for protection and security. The term of the agreement calls for a 20-year

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agreement at a reimbursement rate of \$200/year. However, the organization has proposed that the total of the 20-year payments (\$4000) all be paid upfront and in full.

NebraskaLink received an \$11.5 million Federal Award to achieve its goal to connect Nebraska communities with fiber-optic infrastructure. Overall, the effort will be a 2-year project; connect a redundant ring.

In doing so, the project will:

- Connect at least 100 community institutions (including schools, libraries, community colleges and health care facilities) with from 100 Mbps to 10 Gbps;
- Allow for more affordable broadband service for 85,000 households and 8000 businesses; and
- Assist public safety services.

Local institutions that have specifically been identified as benefactors of this project include: Alliance Public Schools; Box Butte General Hospital; Western Nebraska Community College; Alliance Learning Center; Box Butte County Government and others.]

Mr. Toby Goc, Project Coordinator for RVW, Inc. which is working with NebraskaLink addressed Council and described the statewide project.

Motion by Councilman Gonzalez, seconded by Councilman Yeager to approve Resolution No. 11-119.

An amendment was offered by Councilman Gonzalez to change the legal description to read "300' south of the Northeast corner of the North One Half of the Southeast Quarter (NE corner N ½ SE ¼) of Section 33, Township 25 North, Range 48 West of the 6<sup>th</sup> P.M., Box Butte County, Nebraska." The motion was seconded by Councilman Yeager.

Roll call vote on the proposed amendment with the following results:

Voting Aye: Benzel, Gonzalez, Feldges, Seiler, Yeager.

Voting Nay: None.

Motion carried.

#### **AMENDED RESOLUTION NO. 11-119**

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

*WHEREAS*, The Nebraskalink, LLC, a Nebraska Corporation located in Lincoln, Nebraska desires to lease 600 square feet to construct, operate and install buildings and/or equipment as required and necessary to support Nebraskalink, LLC's telecommunication system; and

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*WHEREAS*, Nebraskalink, LLC, desires to lease a parcel of ground not to exceed thirty feet by twenty feet in the following describe real property, to wit;

300' south of the Northeast corner of the North One Half of the Southeast Quarter (NE corner N½ SE¼) of Section 33, Township 25 North, Range 48 West of the 6<sup>th</sup> P.M., Box Butte County, Nebraska

*WHEREAS*, Nebraskalink, LLC, has proposed a twenty year lease effective upon acceptance by City Council and running until 2031 at the rental rate of Two Hundred Fifty Dollars (\$250.00) per year; and

*WHEREAS*, City staff has reviewed the lease and has recommended its approval.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the lease with Nebraskalink, LLC, for a parcel of ground in the Alliance Municipal Wellfield is hereby approved, and the Mayor and City Clerk are authorized to execute the lease on behalf of the City of Alliance.

Roll call vote on amended Resolution No. 11-119 with the following results:

Voting Aye: Feldges, Yeager, Benzel, Gonzalez, Seiler.

Voting Nay: None.

Motion carried.

- Resolution No. 11-122 approving the Manager's Application for the Eagles Club located at 1520 West 3<sup>rd</sup> Street was the next item for Council's review. City Manager Cox provided the following background information:

[The City is in receipt of a notice that the Eagles Fraternal Order has a new manager (Carol Lehl), who has applied for a liquor license. Staff has no reason as to why the application should be denied.]

Motion by Mayor Feldges, seconded by Councilman Benzel to approve Resolution No. 11-122 which follows in its entirety:

### **RESOLUTION NO. 11-122**

*WHEREAS*, The City of Alliance has received a notice and copy of a Manager Application for Eagles Fraternal Order 136, 1520 West 3<sup>rd</sup> Street, Alliance, Nebraska submitted by Carolyn R. Lehl; and

*WHEREAS*, City staff has reviewed the application and finds no reason why the proposed manager, Carolyn R. Lehl, would be disqualified from serving as manager; and

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*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and Council of the City of Alliance, Nebraska, that the Manager's Application of Carolyn R. Lehl for Eagles Fraternal Order 136, located at 1520 West 3<sup>rd</sup> Street, Alliance, Nebraska is hereby approved.

*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: Feldges, Yeager, Benzel, Gonzalez, Seiler.

Voting Nay: None.

Motion carried.

- The next item to be discussed by Council was Resolution No. 11-123 which will update the City's Hazard Mitigation Plan. City Manager Cox provided the following background information:

[FEMA requires that cities maintain an updated Hazard Mitigation Plan. This year, the City contracted with JEO Consulting to assist the City with its required update. JEO hosted several meetings with staff as well as a public meeting at the museum.

The full, updated Plan is provided in your packet. Fire Chief Troy Shoemaker assumed the lead in the project and will be present to discuss the Plan with Council.]

Motion by Councilman Benzel, seconded by Councilman Yeager to approve Resolution No. 11-123 which follows in its entirety:

### **RESOLUTION NO. 11-123**

*WHEREAS*, The Federal Disaster Mitigation Act of 2000 was signed in to law on October 30, 2000 placing new emphasis on state and local mitigation planning for natural hazards and requiring communities to adopt a Hazard Mitigation Action Plan to be eligible for pre-disaster and post-disaster Federal funding for mitigation purposes; and

*WHEREAS*, The City of Alliance recognized that no community is immune from natural hazards whether it be tornado/severe thunderstorm, flood, severe winter weather, drought, heat wave, earthquake, dam failure or wildfire and recognizes the importance of enhancing its ability to withstand natural hazards as well as the importance of reducing human suffering, property damage, interruption of public services and economic losses caused by those hazards; and

*WHEREAS*, The City Planning Committee assisted by staff from JEO Consulting Group, has developed an update to the Hazard Mitigation Plan for the City of Alliance; and

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*WHEREAS*, FEMA regulations require documentation that the plan has been formally adopted by the governing body of the City of Alliance in the form of a resolution and further requesting approval of the Plan at the Federal level.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of the City of Alliance does hereby adopt the update to the “Alliance, Nebraska, Hazard Mitigation Plan” in its entirety.

*BE IT FURTHER RESOLVED*, that the Clerk of the City of Alliance be and is hereby authorized and directed to certify copies of this resolution to FEMA and is hereby authorized and directed to request final approval of the “Alliance, Nebraska, Hazard Mitigation Plan” meeting the requirements of the Federal Disaster Mitigation Act of 2000.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Benzel, Gonzalez, Seiler.

Voting Nay: None.

Motion carried.

- The next matter before Council was Resolution No. 11-124 approving the Roadway Surface Crack Sealing Bid Award. City Manager Cox provided the following background information:

[In a follow up to a previous Council meeting, staff has moved forward with soliciting quotes to seal approximately 140,000 lineal feet of roadway surface cracks. To keep costs down, the City will complete part of the work (cleaning and blowing out of roadway cracks). Five RFQ responses were received:

KL Wood	\$72,800
R&J Industries	\$79,800
Simon Contractors	\$79,800
Peltz Construction	\$103,600
Stulich’s	\$106,400

Staff finds no reason to not award the project to the low bidder – KL Wood for \$72,800.

Areas currently targeted for this leg of the project are Buchfinck from 10<sup>th</sup> to 18<sup>th</sup>; 10<sup>th</sup> from Buchfink to Emerson; Emerson from 10<sup>th</sup> to 18<sup>th</sup>; and 18<sup>th</sup> Street from Buchfinck to Emerson. A map is included in your packet. Additionally, if approved, Resolution 11-124 would provide the authority to approve a change order of up to 5% (\$3,640), which would bring the total requested authorization to \$76,440.]

Motion by Councilman Yeager, seconded by Councilman Benzel to approve Resolution No. 11-124 which follows in its entirety:

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**RESOLUTION NO. 11-124**

*WHEREAS*, The City has determined that streets in the City need to have cracks sealed to protect the integrity of the streets; and

*WHEREAS*, The City of Alliance has engaged in a competitive bidding procedure to obtain bids for crack sealing of approximately One Hundred Forty Thousand lineal feet; and

*WHEREAS*, The bid of K.L. Wood d/b/a K.L. Wood & Co., a partnership of Alliance, Nebraska, at Fifty Two Cents (\$0.52) per lineal foot for an approximate total of Seventy Two Thousand Eight Hundred and No/100ths Dollars, (\$72,800.00) is the lowest, responsive, and responsible bid for the crack sealing.

*NOW, THEREFORE, BE IT RESOLVED*, By the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to enter into a contract with K.L. Wood d/b/a K.L. Wood & Co., of Alliance, Nebraska for sealing cracks in the streets as specifically set forth in the bidding documents in the amount of Fifty Two Cents (\$0.52) per lineal foot for an approximate total of Seventy Two Thousand Eight Hundred and No/100ths Dollars, (\$72,800.00.)

*BE IT FURTHER RESOLVED*, The Public Facilities Director is authorized to make field change orders not to exceed five percent (5%) of the total contract amount without further Council approval.

*BE IT FURTHER RESOLVED*, Staff shall contact the successful bidder so that contractual arrangements can be finalized, and work can commence according to the terms of the bid.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Benzal, Gonzalez, Seiler.

Voting Nay: None.

Motion carried.

- Resolution No. 11-125 awarding the Library Concrete Rehabilitation Project was the next item to be presented to Council. City Manager Cox provided the following background information:

[Also as a follow up to an earlier Council meeting, bids were solicited for the replacement of the steps of the library (Alliance Learning Center). It is my understanding from that previous Council meeting, that consideration of a solution based upon a breakdown of costs was desired. The previous bid received was for a lump-sum to replace the steps and incorporate a heating system. Yet, it was unclear as to how much the heating system was adding to the total cost of the project. In an effort to clearly provide the information requested, staff went about this project to determine what it

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would cost if we broke apart the project and issued a request for a base bid, plus five alternates.

A total of four Invitations to Bids (ITBs) were issued, but only one formal bid was received. Therefore, incorporated below is a description of the base bid and each of the alternates, along with the bid received for each.

Base Bid:	Steps construction, Hand railing, and Lower Landing	\$12,214.00
Alt #1:	Upper Landing construction	\$ 6,537.00
Alt #2:	Support Columns (upper landing)	\$ 1,200.00
Alt #3:	Support Columns (lower landing)	\$ 1,060.00
Alt #4:	Sidewalk Construction (42 yd <sup>2</sup> )	\$ 4,477.50
Alt #5:	Heating System Installed	\$26,500.00
	Total	\$51,988.50

As is customary, if approved, Resolution 11-125 would provide the authority to approve a change order of up to 5% (\$2,599.42), which would bring the requested authorization to a total of \$54,587.92. Additionally, a bid bond was furnished.

Staff is very concerned about the amount of traffic traveling to the learning center, even during snow and other inclement weather. I refer you to a letter from Shana Brown dated August 17, that is enclosed in your packets.

Note: Should Council wish to approve the base bid and all alternates a simple motion to approve 11-125 may be made. However, should Council approve any other variations of alternates, a simple motion should first be approved to update the proposed resolution accordingly, then the resolution may be approved.]

Motion by Councilman Benzel, seconded by Councilman Gonzalez to approve Resolution No. 11-125 which follows in its entirety:

### **RESOLUTION NO. 11-125**

WHEREAS, The City of Alliance advertised for a Bid Proposal for the replacement of the steps at the Alliance Municipal Library; and

WHEREAS, Four (4) requests were issued, and one (1) response was received; and

WHEREAS, The bid of K.L. Wood and Company of Alliance, Nebraska appears to be the lowest, responsive, and responsible bid in the amount of Fifty One Thousand Nine Hundred Eighty Eight and 50/100ths Dollars (\$51,988.50); and

WHEREAS, Staff is concerned because the steps at the Alliance Municipal Library have deteriorated quickly in the past and therefore is recommending that Council accept the bid of K.L. Wood and Company but not authorize the work to commence until next Spring.

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, the contract is hereby awarded to K.L. Wood and Company of Alliance, Nebraska in the amount of Fifty One Thousand Nine Hundred Eighty Eight and 50/100ths Dollars (\$51,988.50.)

BE IT FURTHER RESOLVED, that the Mayor is authorized to sign the contract with K.L. Wood and Company of Alliance, Nebraska for the rehabilitation of the steps and sidewalks at the Alliance Municipal Library as described in the bid.

BE IT FURTHER RESOLVED, that Eric Lenz, Public Facilities Director shall have the authority to make in the field change orders not to exceed five percent (5%) of the contract price.

BE IT FURTHER RESOLVED, that City staff shall notify the successful bidder so that work can proceed in the Spring of 2012 according to the bid specifications.

City Manager Cox announced WNCC was willing to participate in this project and would contribute up to \$5,000.00.

Cultural and Leisure Services Director Brown appeared before Council and provided background information regarding the special circumstances involved in keeping the library steps in a safe manner free from snow and ice. Ms. Brown stated the heating system vendor is willing to come back and provide a demonstration for the staff and Council on how the system will work and the materials which will be used in the project.

Councilman Benzel made a motion to table this item until a demonstration can be arranged. The motion to table was seconded by Councilman Gonzalez.

Roll call vote to table this matter with the following results:

Voting Aye: Feldges, Yeager, Benzel, Gonzalez, Seiler.

Voting Nay: None.

Motion carried.

- Resolution No. 11-126 was the next item on Council's agenda. City Manager Cox provided the following background information:

[Although Council previously approved a "pre-application" for the NDOR Grant for funding for 80% of the costs for the Meadowood Trail project, the State also requires a resolution be passed supporting the actual "full" application. The project would bring a trail for walking, running and biking along 10th Street from Sweetwater to Meadowlark Avenues, connecting to the City's main sidewalk/trail system. This project would not only provide a welcome addition to our residents on the east side of town, but also would

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provide the population (including youth) a well-constructed pathway to the YMCA facility.

Although seemingly tedious, the process is moving in the right direction for the City of Alliance and staff is hopeful that the State will choose to approve and fund the project.

Project Breakdown-

NDOR Portion:	\$328,280
City of Alliance:	<u>\$ 82,070</u>
Total Project:	\$410,350]

Motion by Councilman Gonzalez, seconded by Councilman Benzel to approve Resolution No. 11-126 which follows in its entirety:

**RESOLUTION NO. 11-126**

*WHEREAS*, The City of Alliance owns and maintains roads within the City; and

*WHEREAS*, The City is responsible for providing adequate pedestrian access within the City of Alliance; and

*WHEREAS*, Staff desires to construct a pedestrian access along 10<sup>th</sup> Street from Sweetwater Avenue to Meadowlark Avenue to provide a walking, running and biking path from recreational facilities and schools near the center of Alliance to a neighborhood on the outskirts of Alliance; and

*WHEREAS*, The City of Alliance, Nebraska has available the minimum of twenty percent (20%) of the project cost and has the financial capability to operate and maintain the completed facility in a safe and attractive manner for public use; and

*WHEREAS*, The proposed application and supporting documents were made available for public review at a properly announced meeting of the City Council.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to file all necessary documentation with the Nebraska Department of Roads for the Federal funds available through Transportation Enhancement for a grant to help pay for the construction of a pedestrian access along 10<sup>th</sup> Street from Sweetwater Avenue to Meadowlark Avenue to provide a walking, running and biking path from recreational facilities and schools near the center of Alliance to a neighborhood on the outskirts of Alliance.

*BE IT FURTHER RESOLVED* that the City of Alliance has available the minimum of twenty percent (20%) of the project cost and has the financial capability to operate and maintain the completed facility in a safe and attractive manner for public use.

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Beth Bourn, 1230 Robin Avenue and Jana Osborn, 1112 Meadowlark Avenue addressed Council and stated they were very much in favor of the project and would urge Council to move forward for the safety of the residents of Meadowood Addition.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Benzel, Gonzalez, Seiler.

Voting Nay: None.

Motion carried.

- The next item for Council's consideration was Resolution No. 11-127 regarding an Engineering Contract for Landfill Permitting. City Manager Cox provided the following background information:

[The City's current Solid Waste Disposal Facility (SWDF) permit expires on August 15, 2012, and the Nebraska Department of Environmental Quality is requiring our new permit application to be filed by January 23, 2012.

Therefore we have solicited proposals from appropriate engineering firms to assist the City to successfully re-permit our facility.

Two proposals, both from well-qualified firms, were received in the amounts of \$24,500 (Baker & Associates, Scottsbluff) and \$50,315 (Aquaterra Environmental Solutions, Scottsbluff). The bid of \$24,500 from Baker & Associates is the lowest responsive, qualified bid, and staff is recommending that the bid be accepted.]

Motion by Councilman Yeager, seconded by Councilman Benzel to approve Resolution No. 11-127 which follows in its entirety:

### **RESOLUTION NO. 11-127**

*WHEREAS*, The City of Alliance owns and operates the Solid Waste Disposal Facility;  
and

*WHEREAS*, The Nebraska Department of Environmental Quality is the agency that issues permits for the operation of a Solid Waste Disposal Facility in the State of Nebraska; and

*WHEREAS*, The City's permit will expire August 15, 2012; and

*WHEREAS*, The new application must be on file with the Nebraska Department of Environmental Quality on or before January 23, 2012; and

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*WHEREAS*, Staff contacted local engineering firms and presented the requirements of the Nebraska Department of Environmental Quality and requested proposals for Engineering Services required for re-permitting the Solid Waste Disposal Facility; and

*WHEREAS*, The proposal of Baker & Associates, Inc., of Scottsbluff, Nebraska was the lowest, responsive and responsible proposal in the amount of Twenty Four Thousand Five Hundred and No/100ths Dollars (\$24,500.00.)

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the Mayor be and hereby is authorized to enter into an Agreement with Baker & Associates, Inc., of Scottsbluff, Nebraska for engineering services for the re-permitting of the City of Alliance Solid Waste Disposal Facility.

*BE IT FURTHER RESOLVED* that the Agreement shall be based upon the proposal of Baker & Associates, Inc., in the amount of Twenty Four Thousand Five Hundred and No/100ths Dollars (\$24,500.00) and will include the services as set forth in the documents included in the Scope of Services 2011 Landfill Re-Permitting City of Alliance.

*BE IT FURTHER RESOLVED* that Staff shall notify the successful bidder.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Benzel, Gonzalez, Seiler.

Voting Nay: None.

Motion carried.

- Resolution No. 11-128 authorizing the continuation of the City's membership with the Panhandle Area Development District (PADD) was the next item to be addressed by Council.

Motion by Councilman Seiler, seconded by Councilman Gonzalez to approve Resolution No. 11-128 which follows in its entirety:

### **RESOLUTION NO. 11-128**

*WHEREAS*, The City of Alliance has previously maintained membership in the Panhandle Area Development District (PADD); and

*WHEREAS*, Panhandle Area Development District provides services for member communities in the areas of financing, economic development, grants, housing rehabilitation, and other areas; and

*WHEREAS*, The Panhandle Area Development District redefined the way that it charges for membership and the change creates a significant increase for the City of Alliance; and

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*WHEREAS*, Continued membership will allow access to these services, and provide an opportunity for regular networking with other community representatives; and

*WHEREAS*, The City Council believes that it is in the best interest of the City to continue to be a member of the Panhandle Area Development District.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, will maintain membership with Panhandle Area Development District for fiscal year 2011-12, at a cost of \$6,581.30.

*BE IT FURTHER RESOLVED*, that Mayor Fred Feldges will serve as Alliance's Director for Panhandle Area Development District, and City Manager J.D. Cox will serve as alternate.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Benzel, Gonzalez, Seiler.

Voting Nay: None.

Motion carried.

- The last item on Council's agenda was an Executive Session to conduct a Performance Evaluation of City Clerk Jines.

Councilman Gonzalez motioned pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943 that the Alliance City Council hold a closed session for the purpose of conducting a Performance Evaluation of City Clerk Jines. The motion was seconded by Councilman Benzel.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Benzel, Gonzalez, Seiler.

Voting Nay: None.

Motion carried.

The closed session began at 9:23 p.m. and ended at 9:58 p.m.

Upon entering into open session, Councilman Yeager stated that City Clerk Jines was given a positive performance evaluation and moved that she be awarded a \$1,200.00 bonus for her outstanding work over the last year. The motion was seconded by Councilman Gonzalez.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Benzel, Gonzalez, Seiler.

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Voting Nay: None.

Motion carried.

- Mayor Feldges stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 10:02 p.m.”

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Fred Feldges, Mayor

(SEAL)

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Linda S. Jines, City Clerk