

March 7, 2013

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, MARCH 7, 2013

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

The Alliance City Council met in a Regular Meeting, March 7, 2013 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 February 28, 2013. 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 March 7, 2013 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Feldges, Council Members Benzel, Lewis, and Seiler. Also present were City Manager Cox, City Attorney Olsen, and City Clerk Jines.

- A motion was made by Councilman Benzel, which was seconded by Councilman Lewis to excuse Councilman Yeager from the meeting as was ill and unable to attend.

Roll call vote with the following results:

Voting Aye: Benzel, Lewis, Feldges, Seiler.

Voting Nay: None.

Motion carried.

- Mayor Feldges read the Open Meetings Act Announcement.
- The Council presented a Proclamation to the Girl Scouts declaring the week of March 10th through March 16th, 2013 as Girl Scout Week. The proclamation was given to approximately thirty young brownies and girl scouts whom were in attendance at the meeting and they thanked the Council for the designation.

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PROCLAMATION

WHEREAS, March 12, 2013, marks the 101th anniversary of Girl Scouts of the USA, founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and

WHEREAS, Throughout its distinguished history, Girl Scouting has inspired millions of girls and women with courage, confidence and character to make the world a better place; and

WHEREAS, Through Girl Scout Leadership Experience girls develop the skills and lessons that will serve them throughout their lives so that they may contribute to their communities; and

WHEREAS, Girl Scouting takes an active role in increasing awareness for girls of the opportunities in math, science, sports, technology, and many fields of interest that can expand their horizons; and

WHEREAS, More than three million current Girl Scout members nationwide will be celebrating this American tradition, and welcome girls from every background to join;

NOW, THEREFORE, on behalf of the Members of the City Council of the City of Alliance, Nebraska, we do hereby applaud the commitment Girl Scouts has made to Americas girls and proudly proclaim the week of March 10-16, 2013 as:

GIRL SCOUT WEEK

And hereby applaud the commitment Girl Scouting has made to support the leadership development of America's girls.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 7th day of March in the year of the Lord Two Thousand Thirteen.

- The next item on the Council's agenda was the Consent Calendar. Councilman Benzel made a motion, which was seconded by Councilman Lewis to approve the Consent Calendar as follows:

CONSENT CALENDAR – MARCH 7, 2013

1. Approval: Minutes of the Regular Meeting, February 21, 2013.
2. Approval: Payroll and Employer Taxes for the period February 2, 2013 through February 15, 2013 inclusive: \$169,643.01 and \$11,972.95 respectively.

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3. Approval: Claims against the following funds for the period February 14, 2013 through February 28, 2013: 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; \$745,128.39.
4. Approval: The issuance of a Special Designated Liquor License for a reception to be held at the Knight Museum and Sandhills Center. The event will be a reception on Friday, April 5, 2013 between the hours of 6:00 p.m. and midnight, catered by Kloch's Liquor L.L.C.
5. Approval: The issuance of a Tree Surgeon's License to Richie Garza dba Panhandle Tree Service.

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: Benzel, Lewis, Feldges, Seiler.

Voting Nay: None.

Motion carried.

- The City Manager's Report was the next matter before Council. City Manager J.D. Cox presented the following information:
 - Provided an update on golf course operations
 - Initiated the recruitment of a golf professional
 - Advertised with PGA and locally
 - The golf course will open on April 1st
 - Individuals needing access to their private golf carts may do so by appointment
 - The City is pursuing a contract for cart rentals, which may require additional budget authority from Council
 - Annual memberships may be purchased currently at the Knight Museum and Sandhills Center
 - Reviewing the possibility of interim staffing prior to the selection of a golf professional
- The next agenda item was a presentation by Cultural and Leisure Services Director Shana Brown and consideration of Resolution No. 13-18 which allows the removal of the irrigation well owned by Betty Nelson from the City's load management program in order to maintain the water level of Laing Lake in a more economical manner. City Manager Cox provided the following background information:

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[Shana Brown, Culture & Leisure Services Director, will be present to discuss plans to repair a leak in Laing Lake that was discovered in fall of 2012, which staff believes resulted in low water levels of recent.

Additionally, last year, due to the extreme drought, we authorized the lifting of load control from the Betty Nelson well so that we could keep up with the loss of water due to, we thought at the time, extreme evaporation. Since last year, there is an increasing belief that there may be a leak through the bentonite. This problem may or may not be related to a change in the fill pipe configuration which resulted in erosion through the bentonite at the fill site. We anticipate having at least one representative from Absolute Natural Resources in attendance. A proposed resolution would authorize the exclusion of the Nelson well from load control measures to continue the lake at the current levels.]

Cultural and Leisure Services Director Shana Brown reviewed the fishing dock replacement, island wall repairs and lake liner repair with the City Council. A representative from Absolute Natural Resources was also in attendance and answered questions of Council.

A motion was made by Councilman Seiler, seconded by Councilman Lewis to approve Resolution No. 13-18 which follows in its entirety:

RESOLUTION NO. 13-18

WHEREAS, The City of Alliance maintains Laing Lake which is located between 18th and 21st Streets and Box Butte and Emerson Avenues; and

WHEREAS, A function of maintaining the lake is to keep the water level at an acceptable level which requires the City to add water on a regular basis, especially during the summer months; and

WHEREAS, The City contracts with a neighbor to the lake, Betty Nelson that has an irrigation well to maintain the water level; and

WHEREAS, It is in the City's best interest to remove the Nelson irrigation well from the City's load control program and that there be no additional charges in order to ensure the water level of Laing Lake be maintained at appropriate levels.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the irrigation well owned by Betty Nelson be removed from the City of Alliance Load Management Program with no additional charges in order to ensure the water level of Laing Lake be maintained at appropriate levels.

Roll call vote for Resolution No. 13-18 with the following results:

Voting Aye: Benzel, Lewis, Seiler, Feldges.

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Voting Nay: None.

Motion carried.

- Council's next matter for discussion was Phase I of the Streetscape Project, which includes Box Butte Avenue from 2nd to 3rd Street. City Manager Cox provided the following background information:

[At long last, we are ready to bid on the first phase of our Streetscape project. The enclosed resolution will approve the first phase of this project. The project is being broken into two different phases: Phase 1 - Box Butte from 2nd to 3rd; Phase 2 – Box Butte from 3rd to 5th.

ENGINEERING PROJECT ESTIMATE:

Phase 1 Costs:	\$ 448,045
Phase 2 Costs:	<u>\$ 720,036*</u>
Grand Total Cost Estimates:	\$1,168,081

Of the \$720,036, \$437,874 is participating, and \$282,162 is non-participating.

CITY BUDGET

2012-2013 Downtown Streetscape & Revitalization	\$1,065,000*
2012-2013 City Match for Participating Historical Lighting	\$ 158,807*
State Match for Participating Historical Lighting	<u>\$ 287,227</u>
Total Project Authorized for 2012-2013	\$1,511,034

**Note that we had previously planned and budgeted for the completion of the entire project for 2012-2013.*

BUDGETARY COMMENTS

Based upon the financial information above, I offer the following two comments:

We appear to be coming in under previous estimates and budgets – for now. Still the prospect remains that we may get into areas of concerns with the underground vaults, which will be discovered later in the project. We are well within the budgeted amount for portion attributed to what we are now referring to as “Phase 1” of the project.

TIMETABLE:

Public Hearing	March 4
Council Approval of Project	March 7
Council Award Bids	April 4
Construction Begins**	April 15
Substantial Completion (not side streets)	July 1
Final Completion (including side streets)	August 31

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***Note: Penalties of \$500/day are included.*

Scope – Phase 1 –
200 Block of Box Butte and 2nd & 3rd Streets to the Alleys
New lighting, sidewalks, trees, pulling new wire, electric at light poles and
at trees, landscaping, handicap curb cuts.]

A motion was made by Councilman Benzel, seconded by Councilman Seiler to approve Resolution No. 13-19 which follows in its entirety:

RESOLUTION NO. 13-19

WHEREAS, The City of Alliance is in the process of revitalizing the downtown area with the improvement of public infrastructure; and

WHEREAS, The improvements for the downtown revitalization are being completed in two phases of a Streetscape Project; and

WHEREAS, Phase I of the Streetscape Project is being fully funded by the City of Alliance and will include new lighting, sidewalks, trees, pulling new wire, electric at light poles and at trees, landscaping, and handicap curb cuts on Box Butte Avenue between 2nd and 3rd Streets; and

WHEREAS, The project has been engineered by Baker and Associates, Inc. and their estimate for Phase I is \$448,045.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the design plans for Phase I of the Streetscape Project be approved and authorize the project to be bid.

Main Street Director Debby Feller informed Council that she will be the liaison between the contractor and businesses during the project. In anticipation of the project, she will be looking at providing some back door promotions.

Roll call vote for Resolution No. 13-19 with the following results:

Voting Aye: Benzel, Lewis, Seiler, Feldges.

Voting Nay: None.

Motion carried.

- A request from Jonnie Kusek, Director of the Box Butte County Public Transit to place a bus stop shelter on 4th Street between Laramie and Box Butte Avenues was the next agenda item for consideration. City Manager Cox provided the following background information:

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[Box Butte County Public Transit Director, Jonnie Kusek has requested the City allow a bus stop shelter to be placed upon 4th Street across the street south of Newberry's.

Jonnie and I discussed the proposal and Jonnie agreed that BBCO Public Transit would provide the cleaning, washing, maintenance, litter pickup, pruning (where necessary), painting/touching up of the shelter and the City could provide trash pick up at the location of the trash receptacle.]

Following a brief discussion of the proposal, Council instructed staff to prepare a lease for the placement of the passenger shelter for consideration at a future meeting.

- The next matter before Council was a discussion and consideration of the continuation of the Community Garden for an additional year. City Manger Cox provided the following background information:

[At the last Council meeting, discussion was held concerning the Community Garden. I was asked to follow-up on the idea with updated cost information included. Currently on the location is a community garden, which is run by volunteers for the purpose of providing a place for folks to recreationally garden. Also at the location is a pumpkin patch that is operated by the Fraternal Order of Police (FOP) of the City of Alliance, which is used to grow pumpkins that are given away annually to the elementary school children of Alliance. For the sake of clarity, references to "garden" will include both the community garden as well as the pumpkin patch.

This matter was brought before Council on February 21, as it was unclear if proper authority was ever put into place to have the garden and also to give staff direction as to how to proceed. Quite frankly, based upon the past couple of years, I felt that the idea/project was floundering. Yet, at the last Council meeting, testimony by a master gardener, Lori Bates, of her leadership and experience with the community garden in Gillette, WY, led our discussion to the point of considering the garden for one more year.

Council, of course, may shut down the garden or may move it. However, my understanding was the direction I received was neither of those, but instead to bring back a proposal to continue the garden and how much it might cost to do so.

To continue the garden in the same location, the three options are:

1. Keep the way it currently is
2. Purchase Additional 2" Fire Hydrant Meter(s) with Backflow prevention
3. Purchase & Install Water Service

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Below are pro's and con's identified for each of the three options:

1. Keep the way it currently is
 - i. Advantage: Little or no cost;
 - ii. Disadvantage: Ties up a fire hydrant (which can be disconnected)
 - iii. Disadvantage: If need arises, would have to remove the water meter at any given time and would leave community garden without water
2. Purchase Additional 2" Fire Hydrant Meter(s) with Backflow prevention
 - i. Advantage: Provides a dedicated meter that would not be removed;
 - ii. Disadvantage: Cost. \$1,996 each.
 - iii. Disadvantage: Ties up a fire hydrant (which can be disconnected)
3. Purchase & Install Water Service
 - i. Advantage: Provides a dedicated water service/meter(s) that would not be removed;
 - ii. Advantage: Does not tie up a fire hydrant
 - iii. Disadvantage: Cost. \$6,047 per service (may require two services)

Current Arrangements

In addition to the two fire hydrant meters at the community garden, we have an additional two meters in stock (with backflow device protection) that are used for contractors. Last year we were a bit short. Some years... the remaining are rented out to contractors for temporary service (or for tanker trucks hauling water). What happens if we run out of meters? We would have to remove a meter or possibly both meters and rent out to the contractor. Our rent for meters: \$10/day (first 5 days), then \$2/day thereafter. Last year, we went all year without having to remove either of the two garden meters.

Master Gardener

I have since visited with Master Gardener Lori Bates. Her offer to head up the initiative remains. She was enthusiastic as to the outlook for being successful in making our garden a showcase. I admit this is very appealing – especially from a skilled volunteer.

Gillette, WY & Website

A quick look on-line, produced the entry on the right from the American Community Gardening Association regarding the Gillette Community complete with Lori Bates as the point of contact! I also attempted to make contact with Carter Napier, City Manager of Gillette, WY, to ask

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him of his take on their community garden and Lori Bates. As of the writing of this narrative, he and I had repeatedly played phone-tag. I expect this week, we will be successful in visiting, and I will pass along whatever comments that he might share in this matter.

Final Thoughts:

Perhaps if master gardener Lori Bates is able to transact the transformation that she discussed, it would be good benefit and possible source of pride for the community. This may spur on further interest, and an accompanying investment, to pay for future improvements or possibly even relocation. I believe we lacked proper oversight and accountability in the past. I am hopeful working with Lori, that this can be obtained. I feel that we are lucky to have a skilled individual such as her stepping up and offering to volunteer for the same.

If it is not successful, then the property can be returned and readied for housing development.]

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 13-21 which follows in its entirety:

RESOLUTION NO. 13-21

WHEREAS, The City of Alliance owns Lots 12, 13 and 14, Block 10, Lakefield Addition which have been utilized as community gardens; and

WHEREAS, A desire has been expressed for the City to continue providing community gardens within the City of Alliance; and

WHEREAS, The Council finds that the community gardens are in the best interest of the City of Alliance, as they can help to develop a sense of community and help provide for the residents by providing a economical way to grow produce.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the City of Alliance will continue to utilize on Lots 12, 13 and 14, Block 10, Lakefield Addition to the City of Alliance, Box Butte County, Nebraska as a community garden.

Lori Bates, 2201 Big Horn Avenue, appeared before Council and provided example handouts of the applications and agreements she used in Gillette, WY, along with a couple of pictures.

Roll call vote for Resolution No. 13-21 with the following results:

Voting Aye: Benzel, Lewis, Seiler, Feldges,

Voting Nay: None.

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Motion carried.

- Resolution No. 13-22 was the next item for Council's consideration. This resolution awards the HVAC projects for the Airport and the Golf Course. City Manager Cox provided the following background information:

[This year's budget included the replacement of the HVAC system at the Airport for \$35,000 and Golf Course for \$40,000. The enclosed resolution will award the HVAC work to Jack's Refrigeration for both locations, while the electric will be awarded to Hilltop Electric for the Airport and to Triangle Electric for the Golf Course.

AIRPORT HVAC

HVAC – Jack's Refrigeration	\$30,835
Electric – Hilltop Electric	\$ 5,255
5% c/o Allowance	<u>\$ 1,805</u>
Total HVAC Project Cost	\$37,895
Budgeted Amount for HVAC Airport Project:	<u>\$35,000</u>
Addl Amount Needed - Transfer Unused from De-icing Project	\$ 2,895*

** Should Council approve this purchase, I will authorize the transfer of the necessary \$2,895 of funds from De-Icing capital project as discussed below.*

GOLF COURSE HVAC

HVAC – Jack's Refrigeration:	\$24,270
Electric – Triangle Electric	\$ 7,493
5% c/o Allowance =	<u>\$ 1,588.15</u>
Total Golf Course HVAC Project	\$33,351**
Budgeted Amount for Golf Course Project:	<u>\$40,000</u>
++Under Budget - No additional Budget Needed	<\$ 6,649>

As a side note regarding the transfer of budget authority, you may recall earlier award of the De-icing equipment project for the airport, whereby Staff did a great job of identifying an alternative and much less expensive replacement system solution than buying a new tractor. With that, Staff saved the City \$28,089, by only spending \$12,411 of the \$40,500 estimated and budgeted, the savings of which is being recommended for this airport capital project.

Engineering Recommendation:

Enclosed in your packet is a letter from Jack Baker outlining and detailing the HVAC recommendation, upon which, staff relied.

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Therefore the Resolution will approve the following:

- | | | |
|----|---|-------------|
| 1. | Approve HVAC award for Golf Course to Jack's Refrigeration | \$24,270 |
| 2. | Approve Electric award for Golf Course to Triangle Electric for | \$ 7,493 |
| 3. | Approve 5% Allowance for Golf Course for | \$ 1,588.15 |
| 4. | Approve HVAC award for Airport to Jack's Refrigeration for | \$30,835 |
| 5. | Approve Electric award for Airport to Hilltop Electric for | \$ 5,255 |
| 6. | Approve 5% Allowance for Airport | \$ 1,805] |

A motion was made by Councilman Seiler, seconded by Councilman Benzel to approve Resolution No. 13-22 which follows in its entirety:

RESOLUTION NO. 13-22

WHEREAS, The City of Alliance requested bids for the replacement of HVAC units at the Airport Terminal and the SkyView Golf Course Club House; and

WHEREAS, The City received responses from three vendors for each of the projects which were later reviewed by Baker and Associates, Inc. the City's engineer; and

WHEREAS, Staff is recommending the projects be awarded to Jack's Refrigeration in the amount of \$30,835.00 for the Airport Terminal, and \$24,270 for SkyView Golf Course Club House; and

WHEREAS, Electrical work is required for both projects and the City received bids from two vendors. Staff is recommending Hilltop Electric be awarded the Airport Terminal project in the amount of \$5,255.00; and Triangle Electric be awarded the SkyView Golf Course Club House project in the amount of \$7,493.00; and

WHEREAS, Due to the nature of these projects, staff is also requesting permission for a 5% change order allowance for issues which may arise that were unknown at the time of bidding; and

WHEREAS, The Airport Terminal project came in \$2,895.00 over the budgeted amount. The Airport previous experienced a savings in the de-icing project which will provide for the overage.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to enter into a contract with Jack's Refrigeration in the amount of \$30,835.00 (GL #41-41-43-59-970) for the Airport Terminal Project and \$24,270.00 (GL #21-71-75-59-970) for the Skyview Golf Course Club House for the purchase and installation of HVAC systems.

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BE IT FURTHER RESOLVED, that the Mayor is authorized to enter into contracts for the electric work associated with the HVAC installations with Hilltop Electric in the amount of \$5,255.00 (GL #41-41-43-59-970) for the Airport Terminal and Triangle Electric in the amount of \$7,493 (GL #21-71-75-59-970) for the SkyView Golf Course Club House.

BE IT FURTHER RESOLVED, that staff be granted permission for a 5% change order allowance for issues which may arise that were unknown at the time of bidding.

BE IT FURTHER RESOLVED, that Council authorize a transfer of \$2,895.00 from the De-icing Equipment Project (GL# 22-41-43-59-950) within the Airport Capital Fund to the HVAC Project (GL #41-41-43-59-970) within the Capital Projects Fund.

Roll call vote for Resolution No. 13-22 with the following results:

Voting Aye: Lewis, Seiler, Feldges, Benzel.

Voting Nay: None.

Motion carried.

- Resolution No. 13-23 authorizing staff to proceed with the purchase of a police cruiser and four pickups was the next agenda item. City Manager Cox provided the following background information:

[This year we have tried to have the vehicle purchases at the same time and to also take advantage of the state bid list. Previously, vehicle matters were brought before Council at various times, and, I believe, this will be a more efficient way to handle such matters. We solicited local and state contract bids. I am pleased that our local vehicle agency, Cover Jones, was the low-cost provider when one considers that the vehicles are delivered locally, while buying off the state bid would require a trip – of two people for most probably two days – to Lincoln and back, or to be drop shipped. Additionally, with the purchase off the state bid would be Chevrolets, thus requiring the costs future trips out of town for servicing. All told, as shown below, our budget for all the vehicle purchases was \$151,000, and we came in with a total of \$123,202.

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			Budget	Actual	DropShip Pickup	True Cost	Total Cost
01-31-32-59-960	Police	2013 Ford Interceptor	\$32,000*				
		Nebraska State Bid		\$25,415	\$500	\$25,915**	
		Cover Jones		\$23,968	\$ 0	\$23,968**	\$23,968
05-51-53-59-960	Electric	Truck - 1/2 Ton Extended 4x4 #413	\$30,000				
		Nebraska State Bid		\$24,098	\$500	\$24,598	
		Cover Jones		\$24,453	\$ 0	\$24,453	\$24,453
05-51-53-59-960	Electric	Truck - 3/4 Ton Extended 4x4 #412	\$40,000				
		Nebraska State Bid		\$26,496	\$500	\$26,996***	
		Cover Jones		\$27,843	\$ 0	\$27,843***	\$27,843
08-52-52-59-960	Water	Truck - 1/2 Ton Extended 2WD #509	\$25,000				
		Nebraska State Bid		\$23,401	\$500	\$23,901	
		Cover Jones		\$21,548	\$ 0	\$21,548	\$21,548
22-41-43-59-960	Airport	Truck - 1/2 Ton 4x4 Extended	\$24,000				
		Cover Jones (Did not provide a similar bid)					
		Nebraska State Bid		\$24,890	\$500	\$25,390	\$25,390
Total Amount Budgeted:				\$151,000			\$123,202

* 30K From Public Safety Tax

** Plus an additional \$5,900 for the emergency package, for a total low cost bid of \$29,868

*** Plus an additional \$6,995 for Utility Box (for tools), for a total low cost bid of \$34,838

**** Originally spec'd for a 6.2 L engine, the State bid is a Chevrolet with a 6.0L engine.

Finally, the only item that came in over budget, was the Airport truck. The Airport Manager requested, and I agreed, that this needs to be a heavy-duty truck that is going to be moving large amounts of heavy snow. Earlier, the airport saved \$28,089, when a creative solution was reached on the de-icing equipment. We had budgeted for \$40,500 for this item and our solution in fact only cost the City \$12,411. Thus, this resolution will also authorize a transfer of \$1,500 to cover the difference.]

A motion was made by Councilman Benzel, seconded by Councilman Seiler to approve Resolution No. 13-23 which follows in its entirety:

RESOLUTION NO. 13-23

WHEREAS, The City of Alliance, in an effort to streamline its 2013 vehicle replacement and capital investments, has coordinated with Department Heads to purchase vehicles for the Police Department, Electric Department, Water/Sewer Department, as well as the Airport for 2013; and

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WHEREAS, The City of Alliance has budgeted for replacement vehicles for 2013 and has set budgeted amounts to replace certain vehicles which have been bid out and which bids are now ready to be awarded.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, to approve the following:

1. The purchase of a 2013 Ford Interceptor police vehicle at a price of \$23,968.00 from Cover Jones Motor Company of Alliance, NE. The vehicle will also need additional accessories which amount to \$5,900.00 and include new overhead emergency lights, siren, console, cage, striping, and associated labor costs. The total purchase price for the vehicle is \$29,868.00 which was budgeted and has come in under the budgeted amount. The vehicle will be purchased from Account No. 01-31-32-59-960.

2. The purchase of two 2013 pickups for the Electric Department; (1) ½ ton extended cab 4x4 pickup at a price of \$24,453.00 and (2) ¾ ton extended cab 4x4 pickup at a price of \$27,843.00 from Cover Jones Motor Company of Alliance, NE. The purchases of these vehicles for the Electric Department were budgeted and are under the budgeted amount. The vehicles will be purchased from Account No. 05-51-53-59-960.

3. The purchase of a 2013 ½ ton two wheel drive extended cab pickup at a price of \$21,548.00 from Cover Jones Motor Company of Alliance, NE. The purchase of this vehicle for the Water Department was budgeted and this bid is under the budgeted amount. The vehicle will be purchased from Account No. 08-52-52-59-960.

4. The purchase of a 2013 ½ ton 4x4 extended cab pickup at a price of \$25,390.00 from the Nebraska State Bid. The purchase of this vehicle for the Airport was not fully budgeted within the 2013 budget; however, Council as part of this resolution is authorizing the transfer of funds in the amount of \$1,500.00 from savings on the de-icing equipment to cover this purchase from Account No. 22-41-43-59-960.

5. The City Manager and his staff are authorized to complete the purchase of the above-referenced vehicles as provided.

Roll call vote for Resolution No. 13-23 with the following results:

Voting Aye: Lewis, Seiler, Feldges, Benzel.

Voting Nay: None.

Motion carried.

● The next matter before Council is consideration to authorize free landfill use by City of Alliance residents during the week of April 30th through May 4th, 2013. City Manager Cox provided the following background information:

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[Keep Alliance Beautiful is once again planning its annual Cleanup/GreenUp week and has requested the annual landfill amnesty week to go along with it. This amnesty week is available to City of Alliance landfill customers.

In order to utilize the system, the customer simply presents their utility bill to confirm their receipt of City of Alliance utilities. This program is for normal household/residential-type materials, and does not include white goods, tires, C&D, and hazardous materials.]

A motion was made by Councilman Lewis, seconded by Councilman Seiler to approve Resolution No. 13-24.

Councilman Benzel made a motion to amend Resolution No. 13-24 by deleting “white goods” as an exception to free disposal. The motion was seconded by Councilman Lewis.

Roll call on the proposed amendment with the following results:

Voting Aye: Lewis, Seiler, Feldges, Benzel.

Voting Nay: None.

Motion carried.

Roll call vote on amended Resolution No. 13-24 with the following results:

Voting Aye: Lewis, Seiler, Feldges, Benzel.

Voting Nay: None.

Motion carried.

AMENDED RESOLUTION NO. 13-24

WHEREAS, The City desires to encourage its residents to clean up trash and debris that may have accumulated around their property; and

WHEREAS, To promote the general clean up of the community, the City desires to waive the landfill fees and state-mandated costs to take care of the trash and debris that is collected by the landfill between April 30th and May 4th which shall be designated as Landfill Amnesty Week; and

WHEREAS, This program is available to all City of Alliance residential utility customers free of charges with the exception of tires, construction and demolition materials and hazardous materials.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance that the City of Alliance will waive all fees for the trash and debris that is delivered to the landfill during April 30 through May 4, 2013 by the residents of the City of Alliance, except for tires, construction and demolition materials and hazardous materials.

- Resolution No. 13-25 authorizing the purchase of refuse containers from Kois Brothers Equipment Co., of Commerce City, CO in an amount not to exceed \$60,000. City Manager Cox provided the following background information:

[Last year, the City purchased \$60,000 worth of refuse containers. That made a small dent in our replacement program. This year, Council authorized a budget that continued that replacement plan.

Streets Supt Eric Lenz solicited RFQs for 40- 3yd tan, 40-3yd blue, 40-1.5YD Tan, and allow for a quantity of three shipment fees. This was to not only get apples-to-apples bids, but also to establish a baseline and per unit cost.

Bids came back and last year's low bidder, MWC Enterprises (bid \$56,870) of Atkinson, NE, was under bid by \$910 by Kois Brothers Equipment Co. of Commerce City, CO with a bid of \$55,960.

Just as we did last year, the enclosed resolution will allow the purchase of up to \$60,000 of refuse containers that can be applied to the per unit costs that were bid.]

A motion was made by Councilman Seiler, seconded by Councilman Benzel to approve Resolution No. 13-25 which follows in its entirety:

RESOLUTION NO. 13-25

WHEREAS, The City of Alliance provides refuse collection and disposal to the residents of the City of Alliance; and

WHEREAS, The City of Alliance needs to supply additional refuse containers to replace containers that have deteriorated and to distribute additional refuse collection containers in the City; and

WHEREAS, The City requested quotes for refuse containers and received quotes from three vendors; and

WHEREAS, The bid from Kois Brothers Equipment Co., of Commerce City, CO is the lowest responsive, responsible bidder and Staff is recommending the purchase of 3

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cubic yard tan containers, 3 cubic yard blue containers, and 1.5 cubic yard tan containers at their bid price not to exceed \$60,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the bid of Kois Brothers Equipment Co., of Commerce City, CO is accepted and the contract is awarded accordingly for the purchase of refuse containers at the bid price not to exceed \$60,000.00.

BE IT FURTHER RESOLVED that the City Manager is authorized to enter into a contract with Kois Brothers Equipment Co., of Commerce City, CO to purchase up to Sixty Thousand and No/100ths Dollars (\$60,000.00) worth of refuse containers from the quote proposal.

BE IT FURTHER RESOLVED that the Public Facility Director is authorized to determine the exact quantity of each size and color of container to be purchased.

Roll call vote for Resolution No. 13-25 with the following results:

Voting Aye: Lewis, Seiler, Feldges, Benzel.

Voting Nay: None.

Motion carried.

- Maintenance Agreement No. 3 between the City and the State of Nebraska Department of Roads was the next item for consideration by the City Council. City Manager Cox provided the following background information:

[Enclosed in your packets is a proposed Maintenance Agreement #3 with the Nebraska Department of Roads.

This represents our annual renewal of our Maintenance Agreement with NDOR for the upkeep of those State highways within our jurisdiction. There is a calculated amount of 2.76 length NDOR highway within the City of Alliance. A "lane mile" then is calculated by multiplying the length times the number of lanes wide. Altogether, there are a total of 9.14 lane miles with our City. NDOR pays \$1,575 per lane mile, thus multiplied by 9.14 lane miles brings the total NDOR payment to Alliance to \$14,395.50.

Please see Eric's attached memo which spells out the changes incurred.

You will notice major changes in this agreement, notably a reduction of lane miles in town from 4-lane to 2-lane on the Highway 2 component. In return, NDOR is providing more US-385 territory to the agreement.

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Most importantly, in my mind, was to receive an assurance from NDOR that the reduction on lane miles in the City does not affect future funding of NDOR for a downtown (Hwy 2) overlay project. This same project was referenced in the One and Six Year Plans approved at the last Council meeting.

Following is the assurance letter received from NDOR:

Eric,

I wanted to reaffirm our conversation from this afternoon. The City Maintenance Agreement and the number of lanes paid for have no correlation to the lanes on a construction project and who pays for what. What lanes get paid for on a Construction project would be determined by the District Engineer and the design people in Lincoln. That discussion would need to take place with Craig Lind, our District Engineer. The City Maintenance Agreement is simply the NDOR paying the City for our maintenance responsibility within the city limits. The City does not have to participate in the City Maintenance Agreement if they don't want to, but either way it does not affect future Construction projects.

*Chris O. Ford
District Operations and Maintenance Manager
NDOR – District 5 - Gering
Work (308) 436-6587
Cell (308) 279-2230
Email chris.ford@nebraska.gov]*

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 13-26 which follows in its entirety:

RESOLUTION NO. 13-26

WHEREAS, Annually the City of Alliance enters into an Agreement with the State of Nebraska Department of Roads defining the maintenance responsibilities of the City and the Department of Roads for State highways within the city limits; and

WHEREAS, The Agreement provides for the division of duties for maintenance and upkeep, and provides for a lane mile reimbursement from the State for certain duties performed by the City, and establishes the number of lane miles eligible for such reimbursement; and

WHEREAS, City staff has examined the Agreement, known as Maintenance Agreement No. 3, which was originally entered into with the Nebraska Department of Roads in January of 1990, and was updated in January, 2012; and

WHEREAS, City staff has verified that there exists 7.74 lane miles in the City of Alliance that are eligible for reimbursement at the rate of \$1,575 by the State of Nebraska. The City is required to reimburse the State for 2.14 lane miles at \$375.00.

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Therefore the reimbursement from the State of Nebraska to the City of Alliance will be Eleven Thousand Three Hundred Eighty-eight and no/100ths Dollars (\$11,388.00).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that the Agreement with the effective date of January 1, 2013, is hereby approved for the calendar year 2013.

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute the Agreement for the calendar year 2013, for and on behalf of the City of Alliance.

Roll call vote for Resolution No. 13-26 with the following results:

Voting Aye: Lewis, Seiler, Feldges, Benzel.

Voting Nay: None.

Motion carried.

- The next matter before Council was Resolution No. 13-27 approving a Supplemental Agreement between the City of Alliance and M.C. Schaff and Associates for the 10th Street, Box Butte Avenue to Flack Avenue and the Meadowood Trail Project. City Manager Cox provided the following background information:

[Enclosed in your packet is a proposed amendment to our existing Engineering Services Agreement.

This update was necessary to cover additional services required by NDOR and the National Environmental Policy Act (NEPA) to produce final construction plans and specifications to improve 10th Street from Box Butte Avenue to Flack Avenue and to create a new trail from Sweetwater Avenue to Meadowlark Avenue along 10th Street.

I understand that recently items that were described as “trash” were discussed as possibly being buried at 10th and Flack, prompting NDOR to request that a consultant of the Nebraska Environmental Protection Agency attend a recent meeting in Alliance. The consultant traveled round-trip from Omaha to Alliance and incurred approximately \$1,700 in costs for the travel and meal expenses. The proposed 5-page supplement will amend the original agreement to incorporate the additional \$1,697.48 in travel expenses.

This restatement of the agreement is required by NDOR rather than simply amending the existing agreement.

Original Agreement:	\$158,916.61
Supplemental:	\$ <u>1,697.48</u>
New Total:	<u>\$160,614.09</u>

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A motion was made by Councilman Seiler, seconded by Councilman Lewis to approve Resolution No. 13-27 which follows in its entirety:

RESOLUTION NO. 13-27

WHEREAS, The City of Alliance and M.C. Schaff & Associates, Inc. have previously executed a Preliminary Engineering Services Agreement (BK1267) for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds; and

WHEREAS, The City of Alliance understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of this Federal-aid project ; and

WHEREAS, The City of Alliance and M.C. Schaff & Associates, Inc. wish to enter into a preliminary engineering services supplemental agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is hereby authorized to sign the attached Preliminary Engineering Services Supplemental Agreement No. 1 between the City of Alliance and M.C. Schaff & Associates, Inc. The City of Alliance is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Agreements.

NDOR Project Number: URB-6254(7)
 NDOR Control Number: 51490
 NDOR Project Description: 10th St, Box Butte – Flack Ave

Roll call vote for Resolution No. 13-27 with the following results:

Voting Aye: Lewis, Seiler, Feldges, Benzel.

Voting Nay: None.

Motion carried.

- The purchase of a used 1999 Crafcro E-Z Pour Crack Sealing machine from K.L. Wood and Company was the next matter for Council's consideration. City Manager Cox provided the following background information:

[As was shared at the last Council meeting, Streets Supt Eric Lenz, has prepared a bid for a Crafcro EZ Pour (diesel fueled) Crack Sealing Machine from KL Wood & Company of Alliance.

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Going into this budget year, we had prepared to expend \$80,000 out of our Street Division budget for contracted crack sealing. However, after further review, Staff is recommending that we instead invest in the purchase of a used crack sealing machine and that our crews be able to perform the work themselves on an ongoing structured manner. To avoid burnout, the Streets Supt and I have discussed a plan of doing crack sealing 1-2 days per week throughout the year, as much as possible.

The proposed 1999 Crafc0 EZ Pour Crack Sealing Machine would be purchased from KL Wood, who is exiting the crack sealing business, leaving no local contractors doing the same. This machine will replace the existing 1990 Cimline 200 (propane fueled) Crack Sealing Machine that has a host of issues that make it not functional. The old machine required the temperature to be above 50 degrees, whereas the replacement machine will operate at much cooler temperatures. Thus, the purchase of the machine will allow staff to be able to repair cracks virtually throughout the year at a time frame that works best for the City.

Additionally, KL Wood offered to sell its remaining inventory of 4400-pounds of crack sealant at a negotiated price of \$2500, or at rate of \$0.57/pound. However, unit price on the State bid is approximately \$0.40/pound, and we are still confirming as of press time. Therefore, we are passing on the purchase of the remaining inventory from KL Woods and asking for purchase authority for up to \$47,500 which would allow for the purchase of 100,000-pounds (of an initial purchase of about \$40,000) and would allow for an additional \$7,500 purchase of the same should we do well with the placement of the first 100,000 lbs).

Finally, the Street Division has brought the equipment in house and has thoroughly checked to verify its functionality.

This transaction will include the following:

- Purchase 1999 Crafc0 EZ Pour Machine \$16,500
- Purchase 4400 lbs of crack sealant material from KL Wood \$ 2,500
- Purchase 100,000 lbs of crack sealant material from State of Nebraska Contract \$45,000
- Total Purchased: \$64,000
- Authorize \$16,500 of the \$80,000 budgeted funds to be transferred from contract services (operations) fund #24-41-41-44-479 to capital fund # 24-41-41-59-950 Capital Outlay Machines/Equipment.*

**Note: Upon Council approval I will also authorize an additional \$47,500 from the same Operations fund into Asphalt Operations Fund #24-41-41-46-644.]*

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A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve Resolution No. 13-28.

Councilman Lewis made a motion to amend Resolution No. 13-28 by deleting the amount of crack sealant to be purchased (100,000 lbs. at \$0.40 per lb.) and insert in an amount not to exceed \$40,000.00. The motion was seconded by Councilman Benzel.

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

Voting Aye: Lewis, Seiler, Feldges, Benzel.

Voting Nay: None.

Motion carried.

Roll call vote on the amended Resolution No. 13-28 with the following results:

Voting Aye: Lewis, Seiler, Feldges, Benzel.

Voting Nay: None.

Motion carried.

AMENDED RESOLUTION NO. 13-28

WHEREAS, The City of Alliance has been offered the opportunity to purchase a used 1999 Crafc0 E-Z Pour Crack Sealing machine from K.L. Wood and Company in the amount of \$16,500.00; and

WHEREAS, Staff believes the purchase of this equipment would be in the best interest of the City in order to provide crack sealing services year round in the most economical and efficient manner; and

WHEREAS, The City would also recommend purchasing of crack sealant material utilizing the State bid; and

WHEREAS, In order to accomplish these purchases Council will need to authorize the appropriate budget transfer from Contract Services Account No. 24-41-41-44-479 to the Capital Outlay Machines/Equipment Account No. 24-41-41-59-950.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the staff has authority to purchase the 1999 Crafc0 E-Z Pour Crack Sealing machine from K.L. Wood and Company in the amount of \$16,500.00; and authorize the purchase of crack sealant material utilizing the State bid not to exceed \$40,000.00.

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BE IT FURTHER RESOLVED that the appropriate budget transfer from Contract Services Account No. 24-41-41-44-479 to the Capital Outlay Machines/Equipment Account No. 24-41-41-59-950 is hereby authorized.

- Council's next matter for discussion was Resolution No. 13-29 authorizing the use of \$2,000 from the Public Safety Contingency fund to facilitate the purchase of a file server computer and to cover fees for installation at the Police Department. City Manager Cox provided the following background information:

[This item will authorize the transfers necessary to purchase a file server computer and the labor to install at the police department in the amount of \$8,054.25.

The additional file server located at the law enforcement center will decrease the police department's reliance on the City's server pool at the Municipal Hall and will allow the police computer programs to continue operating during power outages and when there are issues with the Municipal Hall servers or the connecting fiber.

Although some monies for the file server had been budgeted and were available in an operating account, there were some additional costs involved (increased server price and labor). The resolution authorizes transfer of \$6,055 from operating (01-31-31-45-541) to capital budget (01-31-31-59-940) within the General Fund and a transfer of \$2,000 from Public Safety Contingency (42-00-00-47-791) to capital budget (42-31-32-59-950) within the Public Safety Fund.]

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 13-29 which follows in its entirety:

RESOLUTION NO. 13-29

WHEREAS, The City of Alliance Police Department has a need for a new file server computer which will allow their computer programs to continue operating during power outages and when there are issues with the Municipal Building servers or connecting fiber; and

WHEREAS, In order to facilitate this purchase, Council will need to approve the use of \$2,000.00 from the Public Safety Contingency Fund; and

WHEREAS, The purchase will also require a transfer of \$6,055 from Operating Account No. 01-31-31-45-541 to the Capital Account No. 01-31-31-59-940.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the City Manager be and hereby is authorized to enter into a contract for the purchase of a new file server computer in the amount of \$8,054.25; and authorizes the transfer of \$6,055 from Operating Account No. 01-31-31-45-541 to the Capital Account No. 01-31-31-59-940.

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BE IT FURTHER RESOLVED, that the purchase will be funded utilizing \$2,000.00 from the Public Safety Contingency Fund Account No. 42-00-00-47-791 which will be transferred to a Capital Account No. 42-31-32-59-950.

Roll call vote for Resolution No. 13-29 with the following results:

Voting Aye: Lewis, Seiler, Feldges, Benzel.

Voting Nay: None.

Motion carried.

- The next matter before Council is the review of the proofs of the Municipal Code recodification. City Manager Cox provided the following background information for Council's consideration:

[In 2011, the City received a grant from Nebraska State Records Board in the amount of \$16,000 for the purpose of Recodification and Electronic Publishing of our City Code. Subsequently the City selected the Florida firm specializing in this sort of work across the country – Municode.

The following represents the major changes brought about by Municode:

- Conformed to State and Federal Law;
- Removed and replaced with references those duplicate entries that restate State Law;
- Moved rates and fees to a new fee section;
- Moved all fines and penalties to the "General Provisions" section;
- Removed all franchise sections - as those are in separate agreements (not in City Code).

In addition, as I presented in my report to Council on February 21, many items have been completed during this Recodification of our existing City Code process, including:

Linda and I have reviewed and have made small, "Cosmetic" changes (which are listed separately as "Cosmetic Changes." These items include such things as typos, corrected and/or obsolete references. An example of an obsolete reference would change "Parks Director" to "Culture & Leisure Director." Inaccurate references were changed and flagged as TRCP (To Reflect Current Practice) and include such things as changing from "mayor" to "city manager or designee" whom directs animal control measures.

Linda and I have carefully selected changes so as to not represent a change in policy, with the logic being that policy (code) changes could be addressed as separate, stand-alone matters that can be brought forth with

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the proper legislative documents and proper consideration of the same by Council. A list of items representing possible changes in policy are included in the following pages;

We are providing in your packets a copy of the entire recodified code and high points in advance and ask for questions;

With Council's acceptance and approval of the proofs at the March 7 meeting, we can then ship them off for final processing. We should have the final clean version back in time, then, for the April 18th meeting, whereupon adoption of the new Code will be accomplished by Council via simple ordinance. In the meantime, we will have several weeks whereby any further issues or concerns can be raised and addressed. To ensure compliance with the completion of the project, we are hopeful that Council will then consider waiving the three readings at its 4/18 meeting, and thus allow us to wrap up our project by May 1, 2013.]

Motion by Councilman Seiler, seconded by Councilman Benzel to approve Resolution No. 13-30, which follows in its entirety:

RESOLUTION NO. 13-30

WHEREAS, The City of Alliance received a grant from the Nebraska State Records Board for the Municipal Code Re-codification and Electronic Publishing; and

WHEREAS, The City of Alliance has contracted with the Municipal Code Corporation to accomplish this project; and

WHEREAS, As part of this project the Municipal Code Corporation and City Staff have reviewed the entire Municipal Code as it presently exist and have suggested changes to ensure compliance with Federal and State laws and general wording "clean up" to reflect current operations; and

WHEREAS, The suggested changes to the Municipal Code are reflected in the "Proofs," which have been provided for Council's review.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Municipal Code "Proofs" be approved for forwarding to the Municipal Code Corporation for final preparation prior to Council's consideration in an Ordinance format.

Roll call vote for Resolution No. 13-30 with the following results:

Voting Aye: Lewis, Seiler, Feldges, Benzel.

Voting Nay: None.

Motion carried.

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- Board Appointments were the next items on the Agenda.

A motion was made by Councilman Seiler, which was seconded by Councilman Benzel to re-appoint Denise Clark to serve on the Housing Authority for a term which will expire December 31, 2017.

Roll call vote with the following results:

Voting Aye: Lewis, Feldges, Seiler, Benzel.

Voting Nay: None.

Motion carried.

Councilman Seiler announced the City still has vacancies on the Board of Adjustment, Economic Development Plan Application Review and Citizen Advisory Boards, Youth Representative on the Library Board, Park and Tree Board, and Planning Commission. Anyone interested in serving on these Boards should contact the City Clerk's Office. Information on all of the City Boards is also available on our web site, www.cityofalliance.net.

- The final item on Council's Agenda was a closed session to discuss a real estate matter and protect the public interest.

Councilman Lewis moved pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943, that the Alliance City Council hold a closed session for the purpose of discussing a real estate matter and protecting the public interest, and requested the following staff members to remain: City Manager Cox, Finance Director Waggener, City Attorney Olsen and City Clerk Jines. The motion was seconded by Councilman Benzel.

Roll call vote with the following results:

Voting Aye: Feldges, Seiler, Benzel, Lewis.

Voting Nay: None.

Motion carried.

Mayor Feldges stated "the motion having passed by an affirmative vote of the members of the City Council, the Council shall hold a closed session for the purpose of, and only for the purpose of, discussing a real estate matter and protecting the public interest." Prior to entering the closed session, Mayor Feldges excused himself as he may potentially have a conflict of interest.

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The closed session began at 9:09 p.m. and concluded at 10:03 p.m. No additional action was taken by Council.

- Vice Mayor Seiler stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 10:05 p.m.”

(SEAL)

Fred Feldges, Mayor

Linda S. Jines, City Clerk