

January 7, 2014

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, JANUARY 7, 2014

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

The Alliance City Council met in a Regular Meeting, January 7, 2014 at 7:00 p.m. at Board of Education Meeting Room, 1604 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on December 30, 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 January 7, 2013 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Feldges, Council Members Benzel, Lewis, Seiler and Yeager. Also present were City Manager Cox, City Attorney Olsen, and City Clerk Jines.

- Mayor Feldges read the Open Meetings Act Announcement.
- The first agenda item was the Consent Calendar. Councilman Benzel made a motion, which was seconded by Councilman Seiler to approve the Consent Calendar as follows:

CONSENT CALENDAR – JANUARY 7, 2014

1. Approval: Minutes of the Regular Meeting, December 19, 2013.
2. Approval: Payroll and Employer Taxes for the period December 7, 2013 through December 20, 2013 inclusive: \$168,417.91 and \$11,887.79 respectively.
3. Approval: Claims against the following funds for the period December 12, 2013 through December 31, 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; \$981,858.41.
4. Approval and Authorization: The annual filing of the Nebraska Department of Roads Board of Public Roads Classifications and Standards Reports for submittal. The filing

January 7, 2014

also certifies that the minimum standards of design, construction, and maintenance of roads, streets, and highways under their authority have been met. All tax revenues, including State, County, and Municipal tax revenues, as well as highway-user revenue allocations for roads, streets, and highways, has been expended in accordance with approved plans and standards and the rules and regulations of the Board of Public Roads Classifications and Standards for the period beginning October 1, 2012 and ending September 30, 2013. Council is requested to authorize the Mayor to sign the Certificate of Compliance and the Addendum – Standardized System of Annual Reporting (SSAR) document.

5. Approval: Resolution No. 14-01 authorizing the Agreement for Contribution with Keep Alliance Beautiful in the amount of \$24,000 for fiscal year 2013-14.
6. Approval: Resolution No. 14-02 authorizing the Agreement for Contribution with the Alliance Chamber of Commerce in the amount of \$10,000 for fiscal year 2013-14.
7. Authorization: First National Bank North Platte is updating their records for all accounts; the City of Alliance maintains several accounts at their institution. Council is requested to authorize the Mayor to sign their Investment Management Agreement, Investment Objective Statement, and Telephone, Facsimile and Electronic Mail Indemnity Agreement. Assistant City Manager Waggener has reviewed the documents and recommends signing.
8. Approval and Authorization: For the Mayor to sign the Corrected Final Plat for Blocks 1 and 2, Blakeman Subdivision and a corrected Contract for Public Improvements. On August 6, 2013 the City Council approved Ordinance No. 2732 adopting the Preliminary and Final Plats for the above named subdivision. At that time the owners of the property signed these documents as Trustees of the Virgil Earl and Geraldine Faye Blakeman Revocable Trust dated October 3, 1994. Following the approval of plats and the agreement it was determined that the property had not been included in the Trust; and the underwriters for the title company would not authorize a Quitclaim Deed to place the property within the Trust as a correction. Therefore a Corrective Final Plat and Agreement are required.
9. Approval: The issuance of the following Contractor Licenses:

Tree Surgeon	Heather Hauptman dba All Seasons Landscaping Howard E. Jensen dba J & C Lawn Service Sterling L. Stinson dba Stinson's Services James E. Butcher dba Jim Butcher Tree Service
Limited & Specialty	Brent Townsend dba Quality Supreme
Repair & Maintenance	Timothy Dahlberg dba Dahlberg Carpentry

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.

January 7, 2014

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- City Manager J.D. Cox gave his City Manager's Report which is shown in outline form:

1. Tablet – Soft Rollout
2. *Great news! NIFA Housing Grant Application has been awarded to Alliance!
 - A. Project- \$30,000 (50% NIFA, 50% City)
3. LB840 EcoDevo Grant/Loan Appl. received from
 - A. Prairie Sky Hemingford
 - B. Grain Conditioning and Treating Facility
 - C. EDPARC meeting on 1/17
4. Demolition Project (Toad's, City Parks Bldg, Warehouse #3)
 - A. Going out for bids due to size
 - B. Authorized asbestos removal on all three facilities
 - Cost: \$4,582
 - Notifications to the State – Commence work on 1/21/14.
5. Finance – Completed the audit today
6. Public Works –
 - A. Water leak at 4th & Box Butte
 - B. Repaired potholes under underpass; East 10th street coming up
7. Personnel –
 - A. Seasonal positions on website
 - B. Updates:
 - Promoted: Dispatch Supervisor
 - Hired: Museum Collection Clerk
 - In Process: Building Inspector, Dispatcher & Lineman
 - Preparing: Airport Maintenance Worker & Public Works Director
8. 2nd Grade Student Kayel Lambert visit our office; joined VOA AB at KCOW
9. Introduce Kierstyn Cox – Exploring Public Administration
10. Upcoming Meetings:
 - A. January
 - Height of Grass/Weeds
 - Conversations regarding Local Historic District
 - Paperless Agendas & Tablet Use (Demo first)
 - Demolition Projects
 - Community Garden Ideas & Direction
 - B. February
 - Maverick's – Preliminary & Final Plats (if Planning Commission approves)

January 7, 2014

- Rezone of Skateland (if Planning Commission approves)
- Rezone of Brittan Building (if Planning Commission approves)

11. Upcoming Calendar:

- *January 14 @ 2pm Ribbon Cutting – Streetscape (*Handout*)
- January 17 evening Employee Banquet
- January 22 @ 6:00pm Chamber Banquet: BTBHIA, You Betcha! (Matt Coatney)
- Feb 24 & 25 LNM MidWinter Conference (Lincoln)

- The next matter before Council was Resolution No. 14-03 authorizing Keep Alliance Beautiful to submit a Grant Application with the Nebraska Department of Environmental Quality for Scrap Tire Collection Site Clean-up on the City's behalf. Council was provided with the following background information:

[Keep Alliance Beautiful has requested authority from the City of Alliance to apply for a grant from the Nebraska Department of Environmental Quality (NDEQ) to fund the clean up of scrap tires. The grant is primarily intended for the City of Alliance and Box Butte County; however, Dawes, Morrill, Sheridan and Sioux Counties will be invited to participate, contingent on them providing volunteer labor assistance during the amnesty period. The cooperative efforts of multiple counties may increase the probability of receiving NDEQ grant funds for tire clean-up on a more regular basis.

KAB and county volunteers will assist in the tracking to ensure that not more than 500 tons are accepted under the amnesty program. The maximum number of tires allowed per vehicle will be 100 and all tires must be off the rims. No tires may be accepted under the amnesty program from entities that have collected fees at any time during the disposal process. This will exclude most commercial vendors and many area landfills, including tires already accumulated at the City of Alliance Solid Waste Disposal facility prior to the amnesty period.

A total amount of \$59,820 will be requested in the NDEQ grant application with the funds paying for the collection and redistribution of up to 500 tons of passenger, semi, truck, tractor and implement tires. The majority of the grant funds (\$115 per ton up to \$57,500) will be payable to the low-bid contractor (Resource Management of Brownell, Kansas) for the removal of the tires while the balance would be reimbursement to the City of Alliance (\$11 per hour for labor up to 120 hours or \$1,320 and \$1,000 for advertising).

The last scrap tire collection in Box Butte County was in September 2010 when 385.84 tons of tires were shipped out of the landfill. If approved, the cleanup would be planned for September 9 through 13 of 2014.]

January 7, 2014

Deb Dopheide, 224 Box Butte Avenue, Keep Alliance Beautiful Executive Director was present to speak on behalf of the Tire Amnesty Grant and answers questions of Council. Ms. Dopheide stated that any outside county that wished to participate in this program will be required to provide two volunteers to help load tires.

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 14-03, which follows in its entirety:

RESOLUTION NO. 14-03

WHEREAS, The City of Alliance desires to have Keep Alliance Beautiful prepare a Grant Application with the Nebraska Department of Environmental Quality (NDEQ) for Scrap Tire Collection Site Cleanup for Political Subdivisions; and

WHEREAS, The application will be in the name of the City of Alliance and under the City of Alliance tax identification; and

WHEREAS, City Council believes that participating in the Scrap Tire Collection Site Cleanup for Political Subdivisions is in the best interest of the citizens of Alliance and Box Butte County.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Keep Alliance Beautiful is authorized to prepare a Grant Application for Scrap Tire Collection Site Cleanup for Political Subdivisions with the Nebraska Department of Environmental Quality on behalf of the City of Alliance.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 14-04 formalizing the City's contractual arrangement with Bytes Computer and Network Solutions, Inc. of Scottsbluff, NE for computer network support was the next matter before Council. Council was provided with the following background information:

[Bytes Computer and Network Solutions, Inc. (Bytes) has provided computer network and help desk support for the City of Alliance since November 2009. Bytes is a computer technology sales, service and support company located in Scottsbluff, Nebraska. The business was started in 2001 by Todd and Darrell Lewis and manages network services to businesses and individuals with both on-site and remote support.

January 7, 2014

With the elimination of the MIS position in late 2011, the City is heavily reliant on a quality network support company. In past fiscal years, the City has paid Bytes a flat fee under a PC Complete Care agreement that included antivirus, antispam and antimalware protection, system backup and basic server and workstation monitoring and maintenance. In addition, the City has also paid Bytes separately for remote (help desk) support and on-site maintenance and travel. When budgeting for fiscal year 2013-14, a modest increase was incorporated into the plan; however, an audit of the number of workstations revealed that the new Sleuth computers and laptops had not been billed over the past year and that a 14% increase in the monthly basic billing was necessary under the prior years' arrangement.

Todd Lewis from Bytes met with the City's Finance Director and proposed the attached discounted all-inclusive managed service plan. The negotiated monthly fee of \$6,210 is based on 13 servers and 105 workstations and would be adjusted with any changes. This is 5% more than the monthly average base support paid for the 2012-13 fiscal year of \$5,895 (high of \$7,225 and low of \$4,772). The plan includes backup, business continuity and disaster recovery along with routine workstation, network and server monitoring support including scheduled on-site services and help desk support. Emergency (after hours and holidays) and special projects will be billed above the monthly service fee. Replacement equipment is acquired through the standard bid or quotation process.

Staff is recommending the approval of the agreement to document the professional services relationship with Bytes and to maintain costs within the budget with a known, fixed, all-inclusive billing.]

A motion was made by Councilman Seiler, seconded by Councilman Benzel to approve Resolution No. 14-04 which follows in its entirety:

RESOLUTION NO. 14-04

WHEREAS, The City of Alliance requires computer network management services to ensure the business matters in representing the taxpayers of Alliance are handled responsibly and professionally; and

WHEREAS, The City Manager pursuant to Nebraska Revised Statute §19-646 has appointed Bytes Computer & Network Solutions, Inc. to serve the City of Alliance as our computer network management service; and

WHEREAS, A Managed Service Agreement has been prepared to acknowledge the terms and conditions of the services; and

WHEREAS, The City Council has previously authorized budget authority for said computer network management services.

January 7, 2014

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to sign a Managed Service Agreement between Bytes Computer and Network Solutions, Inc. and the City of Alliance acknowledging the appointment by the City Manager for computer network management services, the terms and conditions of such appointment, and the budgetary actions of the Alliance City Council.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next matter for Council's consideration was Resolution No. 14-05, which will authorize the City to entered into sign leases for six billboards advertising Carhenge. The billboards were in the name of Friends of Carhenge and are now being transferred to the City. Council was provided with the following background information:

[On October 1, 2013, the City of Alliance accepted the gift of Carhenge. Part of the gift included five billboards and one smaller sign. The attached resolution includes approval of all six leases with the billboard land owners. (One lease is located on land included in an estate and the executor will be consulting with his attorney and financial advisors to determine the appropriate lessor name for the final agreement.) All lease fees are consistent with the previous leases with the exception of the sign on Highway 87 which is the oldest lease (1990) and had no annual lease fee. The total annual cost of all six leases as proposed in the new agreements is \$1,650.

All signs are legal signs located on scenic byways and have current permits from the Nebraska Department of Roads (NDOR). NDOR will be provided a copy of the executed leases as part of the re-permitting process to transfer the permits into the City's name. Billboard signs will remain as Class III (advertising) signs which have a permit fee of \$15 every two years.

The Highway 87 sign is currently being considered as a Class IV B sign (non-profit directional) by NDOR as it is outside the city limits. This sign also has a permit fee although the Nebraska Department of Roads has not officially classified the sign.

The billboard structures are owned by the City of Alliance and the graphics are a cooperative agreement between Friends of Carhenge and Westco. The graphic faces were installed in April 2010 at a cost of \$30,000. We would recommend honoring this agreement until the graphics become weathered and in need of replacement. Existing graphics are estimated to last 8 to 10 years based on present condition. The current replacement cost of the face graphics is estimated

January 7, 2014

at \$6,000 to \$7,000 each. Annual maintenance costs for all structures are anticipated to be approximately \$500 to \$800.

Following is a summary of the billboard locations and owners along with yearly lease costs. Copies of the first five lease agreements are included in the packet with the last one pending.]

Owner	City	Highway	Direction	Facing	Lease Fee
Danjac Inc.	Crawford	20	East	South	\$300
Edwin Petersen	Chadron	385	South	West	\$300
Ronald Glau	Angora	385	West	South	\$200
Lyle Heine	Northport	26	East	North	\$400
Norman W. Nuss	Alliance	87	East	South	\$150
Stuart Estate	Broadwater	26	North	East	\$300

A motion was made by Councilman Yeager, seconded by Councilman Seiler to approve Resolution No. 14-05 which follows in its entirety:

RESOLUTION NO. 14-05

WHEREAS, The City of Alliance owns and operates Carhenge; and

WHEREAS, As part of advertising and marketing Carhenge, the City of Alliance would like to secure Sign Leases with the owners of property where six existing billboards are located; and

WHEREAS, The Sign Leases are for one year beginning on January 1st and will automatically renew each year unless terminated with sixty days notice; and

WHEREAS, The annual rental fee for all six locations is \$1,650.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to execute six Sign Leases for the placement of billboards for the advertisement and marketing of Carhenge.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was Resolution No. 14-06 which will not renew the Senior Services, Inc. lease on long-term basis but on a month-to-month basis. Council was provided with the following background information:

January 7, 2014

[The City's Senior Center building is currently being leased to Senior Services, Inc. (SSI), for a ten-year period, which is set to expire the evening of February 18, 2014. Over the past several months the City has fielded numerous complaints from many facility users regarding the treatment that they have received at the facility from SSI staff or board members.

SSI is a private entity run by a self-appointed board of directors. Despite the fact that the board receives the use of the city-owned facility for a mere \$1 per year, the board has conducted its meetings behind closed doors. In fact, Councilmember Rachel Lewis was actually kicked out of a recent board meeting she attended in the wake of so many complaints. Further, a recent request for its bylaws from users of the facility was declined (note that they did honor the request that the City Manager initiated on behalf of the City of Alliance after board action). Finally, and at the heart of the many issues, remains the lack of responsiveness of SSI to the needs and the desires of the end users of the facility - the senior citizens of Alliance.

C&LS Director Shana Brown and City Manager J. D. Cox have met with numerous users of the facility, independent third party individual (ancillary service providers) as well as SSI Director Jonnie Kusek, SSI Board President Maxine Foxx and SSI Board Treasurer Leah King. Also separate meetings have been held with all three county commissioners.

At 12:30 pm on Tuesday, January 7, the C&LS Director and the City Manager will be hosting a meeting with interested parties at the Senior Center regarding use of the facility. The results of this meeting will be shared with City Council when this matter is taken up at the regular governing body meeting later that same evening.

Conclusion:

Based upon these previous meetings, the following issues have surfaced that cause staff to recommend non renewal of the lease with SSI and notice given accordingly. Those issues are generally the following:

1. Complaints by users of treatment by SSI;
2. Closed board meetings frustrating the open discussion of issues surrounding complaints by users;
3. Sublease of part of the facility affecting the core activities of the seniors.

With this in mind, staff is recommending, and the proposed resolution reflects a three-pronged approach:

1. The long term lease with Senior Services Inc. not be renewed, but to continue the current financial arrangements on a month to month basis;
2. City staff will provide management oversight of the facility beginning February 19, 2014;
3. A special temporary transition task force be formed to recommend to Staff best practices in the future.

January 7, 2014

4. Considerations for moving forward should include consideration for the continuing services of the following:
 - Nutrition Program
 - RSVP
 - Handibus Program
 - Handiman Program
 - Other Programs or Activities]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve Resolution No. 14-06 which follows in its entirety:

RESOLUTION NO. 14-06

WHEREAS, The City of Alliance is the owner of the property located at 212 Yellowstone Avenue, more particularly described as Lots Sixteen (16), Seventeen (17), and Eighteen (18), Block Twenty-four (24), Original Town of Alliance, Box Butte County, Nebraska; and

WHEREAS, The facility has previously been leased to Senior Services, Inc. for the use as a senior citizens center with the lease scheduled to end on the evening of February 18, 2014; and

WHEREAS, Staff is recommending that the current Lease between the City of Alliance, Nebraska, a Municipal Corporation and the Senior Services, Inc., a Non-Profit Corporation not be renewed at this time on a long term basis, but instead on a month to month basis; and

WHEREAS, This recommendation would allow staff sufficient time to seek and receive input on the best method of managing the facility and move forward to meet the needs of senior citizens within the community.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Lease between the City of Alliance and Senior Services, Inc. for the property located at 212 Yellowstone Avenue, more particularly described as Lots Sixteen (16), Seventeen (17), and Eighteen (18), Block Twenty-four (24), Original Town of Alliance, Box Butte County, Nebraska will not be renewed at this time for an additional ten years, but to continue the current financial arrangements on a month to month basis.

BE IT FURTHER RESOLVED, effective February 19, 2014 City Staff will manage building policy and evaluate the use of the facility and develop a transition plan, if necessary for the future management of the facility which meets the best interest of the senior citizens of Alliance.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

January 7, 2014

- Board vacancies were the next agenda item.

A motion was made by Councilman Seiler, which was seconded by Councilman Benzel to reappoint Patricia Johnston to the A-2 Downtown Improvement District Board with a term to expire October 31, 2016.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Seiler, which was seconded by Councilman Lewis to reappoint John Placek to the Housing Authority Board with a new term to expire December 31, 2018.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Seiler, which was seconded by Councilman Lewis to reappoint Earl Jones to the Planning Commission with a term to expire December 31, 2016.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Councilman Seiler announced that the City of Alliance continues to have vacancies on the Economic Development Plan Citizens Advisory Board, Planning Commission and a homemaker representative on the Police Advisory Board. 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 before Council was the performance evaluation of City Manager Cox.

January 7, 2014

Mayor Feldges 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 the job performance evaluation of City Manager Cox; and that the Council finds the closed session is necessary to prevent needless injury to the reputation of City Manager Cox, and he has not requested a public hearing. The motion was seconded by Councilman Benzel.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Feldges announced with five votes in favor, the Council pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943, that the Alliance City Council will hold a closed session for the purpose of the job performance evaluation of City Manager Cox; and that the Council finds the closed session is necessary to prevent needless injury to the reputation of City Manager Cox, and he has not requested a public hearing. Mr. Cox was asked to remain for the closed session.

Following a brief five minute recess Council and City Manager Cox entered into closed session at 7:57 p.m.

The Council concluded the closed session at 8:52 p.m.

Councilman Benzel made a motion, which was seconded by Councilman Lewis to increase the annual salary of City Manager Cox by \$2,000.00 and to award him a lump sum bonus of \$1,500.00 following his positive performance evaluation.

Roll call vote with the following results:

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

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 8:55 p.m.”

(SEAL)

Fred Feldges, Mayor

Linda Jines, City Clerk