

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, NOVEMBER 15, 2016

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

The Alliance City Council met in a Regular Meeting, November 15, 2016 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 November 9, 2016. 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 Yeager opened the November 15, 2016 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Yeager and Council Members Korber-Gonzalez, Feldges, Seiler and Jones. Also present were Interim City Manager Kuckkahn, City Attorney Ediger and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
- Council’s first item of business was the presentation of Appreciation Plaques to Councilman Fred Feldges and Councilman Wally Seiler for their years of service on the Alliance City Council. Councilman Feldges served on the Alliance City Council from December 4, 2008 through December 6, 2016; and Councilman Seiler served October 1, 2011 through December 6, 2016.
- The Consent Calendar was the next matter for Council’s consideration.

Councilman Feldges made a motion, which was seconded by Councilman Jones to approve the Consent Calendar as follows:

CONSENT CALENDAR – NOVEMBER 15, 2016

1. Approval: Minutes of the Regular Meeting, November 1, 2016.
2. Approval: Payroll Costs for the period October 22, 2016 through November 4, 2016: \$338,682.72.

3. Approval: Claims against the following funds for the period October 26, 2016 through November 8, 2016: General, General Debt Service, Trust and Agency, Street, Electric, Refuse Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement; \$1,092,449.06.
4. Approval: Update the roster of the Alliance Volunteer Fire Department by removing Jacob Beals, Jeremy Brungard, Natya Cummings, Samantha Gilmore and Kevin Ylander.
5. Approval: The issuance of the following Contractor Licenses:

Repair & Maintenance	Matthew Whitney dba Whitney Construction
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6. Approval: Resolution No. 16-133 designating Jeff Wolfe of M.C. Schaff and Associates as the City's Street Superintendent for 2017.
7. Certification: Authorizing the Mayor to execute the Certification of City Street Superintendent for 2016 as Jeff Wolfe.

NOTE: Interim City Manager Kuckkahn has reviewed these expenditures and to the best of his knowledge confirms that they are within budgeted appropriations to this point in the fiscal year.

Any item listed on the Consent Calendar may, by the request of any single Council Member, be considered as a separate item in the Regular Agenda.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Feldges, Seiler, Yeager, Jones.

Voting Nay: None.

Motion carried.

- A Public Hearing on the Rezoning Application of Dale Jeske Jr. to rezone property located at 2131 CR 59 from Agriculture to C-3 Highway Commercial was the next agenda item. Following the Public Hearing, Council introduced Ordinance No. 2828 on first reading, which will approve the rezone request. Council was provided with the following background information:

[Dale Jeske Jr. has submitted an application to rezone a tract of land so that he may apply for a Conditional Use Permit for an RV Park. The only zoning district that allows RV Parks is C-3 Highway Commercial.

The tract of land is located along the east side of Nebraska Highway 87, approximately 2.7 miles north of the intersection of East 10th Street and Flack

Avenue/Nebraska Highway 87. The legal description of the property is Part of the West ½ of the West ½ of the Northwest ¼ of Section 18, Township 25 North, Range 47 West of the 6th Principal Meridian, tax parcel number 070072736 addressed 2131 CR 59.

The proposed rezone will change the front setback from 50 feet to 15 feet, side setbacks from 15 feet to 0 feet, and rear setbacks from 50 feet to 15 feet. The house is currently a nonconforming structure but will become conforming if rezoned to C-3.

Notification Petitions were served to property owners within a 300' radius of the subject property. The City served four petitions and as of November 4th, the City had received three of them back, two in favor of the rezone and one opposed stating security of the area as the reason for opposition.

Staff would like to point out that under normal circumstances, a rezone like this would be considered "spot zoning." However, the nature of the location of the tract of land in the City Two Mile Extraterritorial Zoning Jurisdiction, the Conditional Use Permit application already being submitted to staff, and establishing the proposed use of the property as an RV Campground before the rezone, limits the exposure to the City for an undesirable use to be located on this tract of land.

At the October 11th 2016 Planning Commission Meeting a discussion was held to the feasibility of the rezone. The Planning Commission felt that since the property owner submitted an application for a Conditional Use Permit; the risks involved in rezoning the property to C-3 were minimal. The Planning Commission then met at their November 8th Regular Meeting, where they held a public hearing and voted to recommend the Alliance City Council rezone the previously described property addressed 2131 CR 59 making the following findings of fact:

1. Testimony indicates that an RV Campground would be beneficial to the City of Alliance.
2. The issues and concerns brought up during the public hearing will be addressed during the Conditional Use permitting process.
3. Nebraska Highway 87 being adjacent to the property fits with the new zoning district of C-3, Highway Commercial, which will also minimize increased traffic concerns.
4. Because the property owner has also submitted his application for a Conditional Use Permit for an RV Park, the risk of a less desirable use of the property is minimal.]

Mayor Yeager stated "now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the Rezoning Application of Dale Jeske Jr. and opened the public hearing at 7:05 p.m.

Dale Jeske Jr., 922 Laramie Avenue addressed the Council and disclosed that he was his desire to install an rv park on this property. Initially he is planning to have 20 to 30 spaces and would like to have the facility open in time for the August, 2017 eclipse. His long term plans would be to add a pavilion and additional spaces.

With no additional testimony being offered, the Public Hearing closed at 7:10 p.m.

A motion was made by Mayor Yeager, seconded by Councilman Jones to approve the first reading of Ordinance No. 2828 which Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2828

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, SETTING FORTH CONDITIONS FOR PASSAGE, AND AMENDING THE DISTRICT ZONING MAP TO SHOW THAT A TRACT OF LAND IN PART OF THE WEST ONE HALF (W $\frac{1}{2}$) OF THE WEST ONE HALF OF THE NORTHWEST QUARTER (W $\frac{1}{2}$ NW $\frac{1}{4}$) OF SECTION EIGHTEEN (18), TOWNSHIP 25 NORTH, RANGE 47 WEST OF THE 6TH P.M. IN BOX BUTTE COUNTY, NEBRASKA CONTAINING AN AREA OF 10.85 ACRES, MORE OR LESS IS NOW INCLUDED AS A C-3 (HIGHWAY COMMERCIAL) DISTRICT FROM AN A (AGRICULTURE) DISTRICT, AND REPEALING PRIOR SECTIONS.

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

SECTION 1. Section 115-76 of the Alliance Municipal Code is amended to provide as follows:

115-76. DISTRICT MAP ADOPTED

(a) Boundaries of the districts, as enumerated in section 115-75 are hereby established as shown on a map prepared for that purpose, which map is hereby designated as the zoning district map; and said map, and all the notations, references and information shown thereon is hereby made as much a part of these regulations as if the same were set forth in full herein. The city planning commission shall keep on file in their offices an authentic copy of said map, and all changes, amendments, or additions thereto.

(b) When definite distances in feet are not shown on the zoning district map, the district boundaries are intended to be along existing street, alley or platted lot lines, or extensions of the same, and if the exact location of such lines is not clear, it shall be determined by the building inspector, due consideration being given to location as indicated by the scale of the zoning district map.

This is to certify that the Zoning District Map described in the Alliance Municipal Code, passed this ____ day of _____, 2016, is now the official Zoning District Map.

SECTION 2. Previously existing Section 115-76, and all ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with the revisions set forth herein are hereby repealed.

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

Roll call vote on the first reading of Ordinance No. 2828 with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Seiler, Jones, Feldges.

Voting Nay: None.

Motion carried.

- Resolution No. 16-135 which will accept the \$30,000 donation from Mrs. Eva Knight for enhancements of the Central Park Fountain was the next item on the agenda. Council was provided with the following background information:

[Mrs. Eva Knight, in memory of her late husband, Robert E. Knight, has graciously donated \$30,000 to the Alliance Park Foundation. The donated funds are to be used for the enhancement of the Central Park Fountain with upgraded programmable LED lighting. This LED enhancement will allow for the lights to be programmed for the full spectrum of color and will reduce costs of operation with fewer bulb replacements and the use of less energy. The Knight Family has a true passion for the fountain as they were instrumental in initiating the “Coins for the Fountain” project which brought the community together in refurbishing the fountain.]

Councilman Korber-Gonzalez made a motion to approve Resolution No. 16-135, which was seconded by Councilman Seiler. The resolution follows in its entirety:

RESOLUTION NO. 16-135

WHEREAS, The City of Alliance owns and operates the Fountain attraction located in Central Park; and

WHEREAS, Mrs. Eva Knight in memory of her late husband, Robert E. Knight has donated \$30,000 to the Alliance Park Foundation to be used for the enhancement of the Central Park Fountain; and

WHEREAS, It has been proposed to upgrade the programmable LED lighting system of the fountain, which will allow for the lights to be programmed for the full spectrum of color, will reduce costs of operation with fewer bulb replacements and the use of less energy; and

WHEREAS, The City Council believes it is in the best interest of the City of Alliance to accept this gracious donation from Mrs. Knight and move forward with the proposed improvements.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the donation of Mrs. Eva Knight in memory of her late husband, Robert E. Knight be graciously accepted on behalf of the Alliance citizens.

BE IT FURTHER RESOLVED that staff is authorized to proceed with the improvements to the lighting system of the Central Park Fountain as proposed.

Roll call vote with the following results:

Voting Aye: Feldges, Korber-Gonzalez, Yeager, Seiler, Jones.

Voting Nay: None.

Motion carried.

- The next item before Council was Resolution No. 16-131 which will authorize two Lease Agreements with Daniel Robinson. Council was provided with the following background information:

[The five-year haying and grazing leases expired this year on the City-owned well field property. The two tracts of land were recently advertised for bid: Tract A is a 140-acre parcel of land to be used for haying only and Tract B is a 257-acre parcel of land which may be used for haying and grazing.

On October 25, 2016 two sealed bids were received and opened. After consulting with Simmons Olsen Law Firm, a determination was made to reject one of the two bids as non-responsive. The remaining bid was from Dan Robinson for a total of \$49,300 for both tracts for a five-year lease. The lease will start in 2017 and end in 2021.

Tract A	\$3,220 annually
Tract B	\$6,640 annually]

Councilman Seiler made a motion to approve Resolution No. 16-131, which was seconded by Councilman Korber-Gonzalez. The resolution follows in its entirety:

RESOLUTION NO. 16-131

WHEREAS, The City of Alliance recently received competitive bids for two leases not to exceed six months annually for a five year period for the North Well Field property containing 140 acres, more or less, which is restricted to haying only; and the South Well Field property containing 257 acres more or less for haying and grazing; and

WHEREAS, Two responses were received to our bid invitation; and

WHEREAS, The bid of Daniel Robinson of Alliance, Nebraska was the highest, responsive, and responsible bid in the amount of Sixteen Thousand One Hundred Dollars and no/100th (\$16,100) for the North Well Field Property and Thirty-three Thousand Two Hundred Dollars and no/100th (\$33,200) for the South Well Field property for the term of the leases; and

WHEREAS, City Staff desires to reissue the Leases for the North Well Field and South Well Field properties with Mr. Robinson as he has proven capabilities in the proper care of the property.

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 to lease the 140 acres of the North Well Field property to Daniel Robinson for Sixteen Thousand One Hundred Dollars and no/100th (\$16,100), for a five year period starting in 2017 subject to the terms and conditions of the bid and the lease that has been prepared.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to enter into a contract to lease the South Well Field property to Daniel Robinson Thirty-three Thousand Two Hundred Dollars and no/100th (\$33,200), for a five year period starting in 2017 subject to the terms and conditions of the bid and the lease that has been prepared.

BE IT FURTHER RESOLVED, that City staff shall notify the successful bidder so that land can be possessed by the successful bidder according to the bid specifications and terms of the leases.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Seiler, Feldges, Jones.

Voting Nay: None.

Motion carried.

- The next matter before Council was Resolution No. 16-132 which will make recommendation to the Nebraska Liquor Control Commission to approve the Manager Liquor Application of Audra Sauser for Maverik, Inc. Council was provided with the following background information:

[The City of Alliance is in receipt of the Manager Application of Audra L. Sauser for Maverik, Inc., 1640 West 3rd Street, Alliance, Nebraska. Ms. Sauser has completed the Responsible Beverage Service Training in Nebraska. Police Chief John Kiss completed a background check on Ms. Sauser and has found no reason to deny the application.]

City Attorney Ediger questioned Ms. Sauser regarding her experience with liquor sales, training and store policies. Ms. Sauser has previously managed the New Castle, WY Maverik Store for three years, she has completed the State of Nebraska on-line alcohol training course. The Maverik company does provide additional training for all of their staff regarding liquor

sales. The store policy has recently changed and now allows for a two strike provision before the termination of an employee for an alcohol violation.

Police Chief Kiss reported to Council that he did not find any reasonable cause to deny recommending the issuance of the Manager License for Ms. Sauser to the Nebraska Liquor Control Commission.

Councilman Feldges made a motion to approve Resolution No. 16-132, which was seconded by Councilman Jones. The resolution follows in its entirety:

RESOLUTION NO. 16-132

WHEREAS, The City of Alliance has received a notice and copy of a Manager Application for Maverik, Inc., 1640 West 3rd Street, Alliance, Nebraska submitted by Audra L. Sauser; and

WHEREAS, City staff has reviewed the application.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that the Manager's Application of Audra L. Sauser for Maverik, Inc., 1640 West 3rd Street, Alliance, Nebraska is hereby recommended for approval to the Nebraska Liquor Control Commission.

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

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Feldges, Seiler, Jones.

Voting Nay: None.

Motion carried.

- The next agenda item was Resolution No. 16-134 which will authorize the City to enter into a contract with JD Gray Group, LLC for City Manager recruitment services. Council was provided with the following background information:

[The City of Alliance solicited Statements of Qualifications and Bid Proposal to secure the services of a consultant to provide executive search services in the recruitment of a City Manager. The request was specifically to focus on broadening the list of qualified candidates to consider for the position of City Manager. The City received three proposals and upon review by City staff, JD Gray Group of Frisco, TX has been recommended to provide the basic City Manager recruitment services at a cost of \$4,000. This recommendation is based on the criteria set forth in the approved Request for Quotations (RFQ).]

Councilman Jones made a motion to approve Resolution No. 16-134, which was seconded by Councilman Korber-Gonzalez. The resolution follows in its entirety:

RESOLUTION NO. 16-134

WHEREAS, The City of Alliance is seeking to hire a new City Manager; and

WHEREAS, The City Council desires to have assistance in broadening the list of qualified applicants to fill the position of City Manager from which to hire; and

WHEREAS, The City issued a Request for Statement of Qualifications and Bid Proposals for City Manager Executive Search Services and received three responses; and

WHEREAS, Following review by City staff, JD Gray Group, LLC of Frisco, TX has been recommended to provide the City Manager recruitment services.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that staff is authorized to sign an agreement with JD Gray Group, LLC to assist in obtaining a pool of qualified candidates from which to hire a City Manager.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Feldges, Seiler, Jones.

Voting Nay: None.

Motion carried.

- Resolution No. 16-109 authorizing the Lease Agreement between the City and WNCC for the Powerline School was the next discussion item. Council was provided with the following background information:

[The City of Alliance entered a 20-year lease with Western Nebraska Community College (WNCC) in October 2005 which allowed for the offering of a powerline school on property owned by the City located on the east side of the community. The powerline program has been very successful with 100% placement of graduates. WNCC now has the opportunity to expand technical training offerings with potential grant funding. These expanded services would include the addition of equipment and a new facility with increased staff and enrollment.

WNCC was interested in the City either donating the property to WNCC or entering into a long-term lease in order to establish continued commitment to the training efforts and qualify for the grant funding. The City is also supportive of the expansion of operations at the site and instructed staff to propose a 50-year lease agreement with WNCC. City Attorney Adam Hoelsing has been negotiating with WNCC and has a proposed lease agreement for Council's consideration.]

Councilman Korber-Gonzalez made a motion to approve Resolution No. 16-109, which was seconded by Councilman Feldges. The resolution follows in its entirety:

RESOLUTION NO. 16-109

WHEREAS, The City of Alliance has previously entered into a lease with Western Nebraska Community College (WNCC) for the housing of the powerline school in Alliance; and

WHEREAS, Western Nebraska Community College (WNCC) is desiring to add educational programming which will require the construction of additional facilities at the current location of the powerline school; and

WHEREAS, In order to accommodate the needs of Western Nebraska Community College (WNCC), the City of Alliance is offering to extend the current lease for an additional fifty (50) years; and

WHEREAS, The City Council believes it is in the best interest of the City of Alliance to extend our current lease with Western Nebraska Community College.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City extend an offer to Western Nebraska Community College (WNCC) to extend the current lease for the Powerline School an additional fifty (50) years.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute said lease if acceptable to Western Nebraska Community College (WNCC).

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Feldges, Seiler, Jones.

Voting Nay: None.

Motion carried.

- Boards appointments and board vacancy announcements were the next matter before Council.

A motion was made by Councilman Seiler, Seconded by Councilman Jones to appoint Jensen Curtiss as a Youth Ex-Officio member on the Library Board with a term expiring June 30, 2017.

Roll call vote with the following results:

Voting Aye: Feldges, Korber-Gonzalez, Yeager, Seiler, Jones.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Seiler, Seconded by Councilman Korber-Gonzalez to appoint Byron Reed to the Alliance Housing Authority with a term expiring December 31, 2018.

Roll call vote with the following results:

Voting Aye: Feldges, Korber-Gonzalez, Yeager, Seiler, Jones.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Seiler, seconded by Councilman Feldges to reappoint Patricia Johnston to the A-2 Downtown Improvement District Board with a new term expiring October 31, 2019.

Roll call vote with the following results:

Voting Aye: Feldges, Korber-Gonzalez, Yeager, Seiler, Jones.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Seiler, Seconded by Councilman Korber-Gonzalez to appoint Marcia Buck to the A-2 Downtown Improvement District Board with a new term expiring October 31, 2017.

Roll call vote with the following results:

Voting Aye: Feldges, Korber-Gonzalez, Yeager, Seiler, Jones.

Voting Nay: None.

Motion carried.

Councilman Seiler reported the following board openings at this time: two vacancies on the Board of Adjustment; one regular member of the Library Board and one vacancy on the Alliance Planning Commission for an alternate member.

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.

- Council next reviewed Resolution No. 16-137 which will approve Change Order No. 2 to the Laing Lake Rehabilitation Project. Cultural and Leisure Services Director Shana Brown reported the progress on the project to Council and described the necessity of the change order.

As part of a compromise for the additional expense, the Nebraska Department of Environmental Quality and the engineers have agreed to each participate in one third of the expense not to exceed \$5,000 each.

Councilman Feldges made a motion to approve Resolution No. 16-137, which was seconded by Councilman Seiler. The resolution follows in its entirety:

RESOLUTION NO. 16-137

WHEREAS, The City of Alliance entered into a contract with Koozer Construction Inc., of Alliance, NE in the amount of Two Hundred Ninety-four Thousand Four Hundred Fifty-nine Dollars and no/100ths (\$294,459.00) for the Laing Lake Rehabilitation Project;

WHEREAS, Our engineer for the project EA Engineering, Science, and Technology, Inc., PBC recommended and Council approved Change Order No. 1 which was a net change of an additional \$8,222 in October, 2016; and

WHEREAS, EA Engineering, Science, and Technology, Inc., PBC is now recommending the approval of Change Order No. 2 which will increase the contract price an additional \$14,700 to include lake bottom excavation and skating area fill; and

WHEREAS, The Nebraska Department of Environmental Quality has agreed to pay the City of Alliance, one-third of the change amount, not to exceed \$5,000; and

WHEREAS, EA Engineering, Science, and Technology, Inc., PBC will pay the City of Alliance one-third of the change amount, not to exceed \$5,000.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Change Order No. 2 to the Laing Lake Rehabilitation Project is hereby approved in the amount of \$14,700 bringing the total amount of the Laing Lake Renovation Project to Three Hundred Seventeen Thousand Three Hundred Eighty Dollars and 30/100ths (\$317,380.30).

BE IT FURTHER RESOLVED that the Nebraska Department of Environmental Quality and EA Engineering, Science, and Technology, Inc., PBC will each pay one-third of the change amount up to \$5,000, respectively.

Roll call vote with the following results:

Voting Aye: Feldges, Korber-Gonzalez, Yeager, Seiler, Jones.

Voting Nay: None.

Motion carried.

- The final item before Council was a closed session for the discussion of a personnel matter.

Councilman Jones 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 personnel matter. The motion was seconded by Councilman Korber-Gonzalez.

Roll call vote with the following results:

Voting Aye: Feldges, Seiler, Yeager, Jones, Korber-Gonzalez.

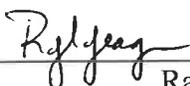
Voting Nay: None.

Motion carried.

Mayor Yeager announced with five votes in favor, the Council pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943, will hold a closed session for the purpose of discussing a personnel matter. Interim City Manager Kuckkahn, City Attorney Ediger and City Clerk Jines were asked to remain for the closed session.

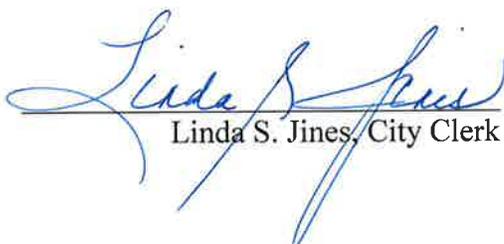
Council entered into closed session at 7:49 p.m. and concluded at 7:58 p.m. at which time Council returned to open session. No action was taken.

- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:58 p.m."



Ralph Yeager, Mayor

(SEAL)



Linda S. Jines, City Clerk

