

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, JANUARY 3, 2017

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

The Alliance City Council met in a Regular Meeting, January 3, 2017 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 December 28, 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 January 3, 2017 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Council members Yeager, Korber-Gonzalez, Jones, Mischnick and Reynolds. Also present were Interim City Manager Kuckkahn, Assistant City Manager/Finance Director Waggener, City Attorney Olsen and Deputy City Clerk Krejci.

- Mayor Yeager read the Open Meetings Act Announcement.
- Council’s first item of business was the presentation of a Proclamation, declaring the month of January as Official Radon Action Month. Melissa Cervantes was in attendance to accept the Proclamation on behalf of the Panhandle Public Health District. Councilman Reynolds read the following Proclamation:

PROCLAMATION

WHEREAS, Radon is a naturally occurring radioactive gas released in rock, soil, and water that can accumulate to dangerous levels inside homes, schools, and other buildings; and

WHEREAS, Radon cannot be seen, has no odor, and the only way a family can know if their house has an elevated radon levels is if they test for it; and

WHEREAS, The City of Alliance has high levels of radon with more than 50 percent of the homes tested having elevated radon levels; and

WHEREAS, Radon is the second leading cause of lung cancer in the United States and the leading cause of lung cancer among non-smokers; and

WHEREAS, Testing for radon is simple and inexpensive; and

WHEREAS, Identified radon problems can be fixed; and

WHEREAS, The Panhandle Public Health Department, the Nebraska Department of Health and Human Service, and the U.S. Environmental Protection Agency are supporting efforts to encourage Americans to test their homes for radon, have elevated levels of radon reduced, and have new homes built with radon-resistant features.

NOW THEREFORE, the Mayor and City Council of Alliance, NE do hereby proclaim January 2017 as Official Radon Action Month in Alliance, Nebraska in recognition of the importance of testing homes for radon, I hereby proclaim the month of January 2017 as,

National Radon Action Month

and I urge every member of the community to test their homes by contacting the Panhandle Public Health District at 308-487-3600 ext. 107 to request a free radon test kit.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 3rd day of January in the year of the Lord Two Thousand Seventeen.

- The Consent Calendar was the next matter for Council's consideration.

Councilman Jones made a motion to remove the duplicate claim entry on page number five of the claims report in the amount of \$687,117.33 and approve as amended. The motion was seconded by Councilman Mischnick to approve the Consent Calendar as amended:

CONSENT CALENDAR – JANUARY 3, 2017

1. Approval: Minutes of the Regular Meeting, December 20, 2016.
2. Approval: Payroll Costs for the period December 3, 2016 through December 16, 2016: \$206,821.57
3. Approval: Claims against the following funds for the period December 14, 2016 through December 28, 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; ~~\$764,754.80~~ 77,637.47.
4. Approval: Resolution No. 17-01 granting a Special Designated License to the Alliance Volunteer Fire Department, Inc. on February 3, 2017 for conduct their annual fundraiser, Bosses Night.

5. Approval: For the Mayor to sign the Nebraska Department of Economic Development Certified Community Log Usage Acknowledgement stating that the City will abide by the Logo Usage Guidelines as provided.

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, Mischnick, Reynolds, Yeager, Jones.

Voting Nay: None.

Motion carried.

- Council next considered Ordinance No. 2829 on third reading, which will approve the amendment to the Alliance Municipal Code regarding R-1, Single Family Residential setback restrictions. Council was provided with the following background information:

[The City of Alliance Board of Adjustment has made note that many of the properties in the R1, Single Family Residential Zoning District contain structures that were built using much smaller setbacks than those built in the R1a Single Family Residential Zoning District. The R1 zoning district mostly covers the older parts of town which were developed with smaller lots sizes (typically 50' X 140') and smaller setback restrictions.

The proposed revisions to Section 115-98 of the City of Alliance Municipal Code would reduce the minimum required lot width from 60' to 50'; reduce the side setbacks from 5' to 3'; and provide other clarifying language in the Code for the R1, Single-Family Residential Zoning District.

An inventory of nonconforming structures was taken on the east side of the 900 block of Big Horn Avenue and the west side of the 900 block of Cheyenne Avenue by staff while compiling information for the June 23rd Board of Adjustment Meeting. The inventory shows every property having at least one nonconforming structure. The average side setback was 3'. Having such a large number of nonconforming structures reduces the ability of property owners to expand their homes and accessory structures without having to result to unorthodox construction techniques to meet the setbacks designed for the larger lot sizes required in the R1a zoning district.

The Alliance City Council passed this Code as Ordinance No. 2781 on September 15, 2015. At this same time, a Code amendment in respect to accessory parking

structures was also making its way through Council. The new setback reduction in the Code change was overlooked by staff during the drafting of the accessory structure code and was passed requiring 5' setbacks in the R-1, Single Family Residential district. Staff believes that for the above mentioned reasons, the setbacks should be changed to 3' in the R-1, Single-Family Residential District.

The City of Alliance Planning Commission held a public hearing at their regular meeting on November 8, 2016 wherein they voted to recommend that the Alliance City Council approve the ordinance accepting the proposed changes to Section 115-98 of the City of Alliance Municipal Code.]

A motion was made by Councilman Jones, seconded by Councilman Mischnick to approve the third reading of Ordinance No. 2829. City Clerk Jines reading the ordinance by title which follows in its entirety.

ORDINANCE NO. 2829

AN ORDINANCE PERTAINING TO THE R-1, SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT AND AMENDING 115-98; PROVIDING FOR AN EFFECTIVE DATE, REPEALING EXISTING PROVISIONS OF THE ALLIANCE CODE NOT CONSISTENT WITH THIS ORDINANCE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. Section 115-98 of the Code of Ordinances of the City of Alliance, Nebraska is hereby amended to read as follows:

Sec. 115-98. - R-1, Single-Family Residential District.

- (a) *Scope and intent.* This section applies to district R-1. The R-1, Single-Family Residential District is intended to provide a zone consisting primarily of single-family dwellings but which may have recreational, religious, and educational facilities to create a balanced neighborhood. This zone is intended to accommodate older neighborhoods in the community which were developed with smaller lot sizes.
- (b) *Permitted uses.*
- (1) Dwellings, one-family.
 - (2) Publicly owned and operated community buildings, public museums, public libraries and churches.
 - (3) Public parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police and fire stations.
 - (4) Public schools, elementary and high schools, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on campus.
 - (5) Railroad rights-of-way, not including railroad yards.

(6) Manufactured homes subject to the following standards:

- a. The home shall have no less than an 18-foot exterior width;
- b. The roof shall be pitched with a minimum vertical rise of 2½ inches for each 12 inches of horizontal run;
- c. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction;
- d. The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock; and
- e. The home shall have wheels, axles, transport lights, and removal towing apparatus removed.

(c) *Conditional uses.*

- (1) Golf courses and clubhouses and uses customarily accessory thereto, except miniature golf, driving ranges and other similar activities operated as a business.
- (2) Group homes: provided that facility is not within 1,200 feet of another group home or a home of any size which serves other populations, including but not limited to correctional homes which serve people recuperating from the effects of drugs or alcohol, mental illness, or physical disability.
- (3) Preschool nurseries and day care centers.
- (4) Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
- (5) Funeral homes.
- (6) Bed and breakfasts.
- (7) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
- (8) Two-family dwelling.
- (9) Abandoned church or school property as permitted in section 115-174.
- (10) Hair salons and barber shops with the following restrictions in addition to those found in Article V of this code:
 - i. Two paved off street parking spaces must be provided in the rear or side yard except parking shall not be allowed in side yards adjacent to the side street on a corner lot. Removal of one vehicle to move another is not allowed.
 - ii. Limited to one operator.
 - iii. Patronage must be by appointment only.
 - iv. Structures must be maintained or constructed to be similar in character and appearance to single or two family dwellings in the surrounding neighborhood by the use of colors, materials, construction techniques, lighting, and signs.

(d) *Performance standards.*

- (1) *Area and bulk regulations.*

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Minimum Number of Dwelling Units	Setbacks (feet)				Maximum Height (feet)	Minimum Building Separation on Same Lot (feet)
				Front	Rear	Side	Side Street		
Primary Structure	6,600	50	1	25	25	3	15	30*	6
Accessory building	—	—	—	25	5	3	c	30*	6

*Or a 3.5 feet addition to required northern or eastern side yard requirements for each vertical foot above 25 feet.

- a. Minimum dwelling size: 800 square feet on the ground floor.
- b. Maximum Lot coverage: 40 percent of total lot area.
- c. Setback is 20 feet for parking structures with entrances off of a side street; all others 15 feet.

(2) *Permitted accessory uses.*

- a. Home occupations as defined in section 115-2 and provided in section 115-171.
- b. Detached Accessory Structures:
 1. *Carports* : No carport may be built or constructed except those which comply with the following restrictions:
 - i. One carport or private garage may be constructed serving a principal use on the same lot. If the lot already contains a carport or a garage, it must be removed within six months of completion of the new structure.
 - ii. Metal carports must be place in the rear yard.
 - iii. Must be placed on a concrete pad at least four inches thick.
 - iv. Maximum roof peak height of ten feet as measured from the concrete pad.
 - v. The structure must be anchored to the ground with either auger type tie downs or bolts embedded in concrete no less than the minimum depth as required by typical garage construction.
 - vi. Must conform to local wind and snow load requirements.

- vii. The color of the structure must be the same or similar to the principal structure.
 - viii. A structure with more than two walls is to be considered a garage and must follow the guidelines for garage construction.
 - ix. The structure must be kept in good repair. Any structure deemed a nuisance by way of peeling paint, failing structural members, broken concrete, loose tie downs, etc., may be ordered to be repaired or removed by the city building official.
2. *Private garages* : No private garage may be built or constructed except those which comply with the following restrictions:
- i. One private garage or carport may be constructed serving a principal use on the same lot. If the lot already contains a carport or a garage, it must be removed within six months of completion of the new structure.
 - ii. May not be of greater height than the principal structure.
 - iii. The color of the garage must match or be similar to the color of the principal structure.
 - iv. Brick, stone, or veneer will only be required along the street and/or side street side(s) of the structure. If the type of covering is no longer available, the structure may be built using a similar brick, stone, or veneer as approved by the building official.
 - v. A garage may be designed for a maximum of one bathroom; however, no kitchen, or living quarters may be constructed.
3. *Storage buildings* : No storage building may be built or constructed except those which comply with the following restrictions:
- i. One storage building may be constructed or placed on a lot serving a principal use.
 - ii. Storage buildings greater than 200 square feet must be constructed using the same design criteria as private garages.
- c. Signs as permitted in chapter 111.
 - d. Fences as permitted in section 115-172.
 - e. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173.
 - f. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
 - g. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.

- h. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- i. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
- j. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).
- k. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.

SECTION 2. This Ordinance shall be in full force and effect from and after its approval, passage, and publication in pamphlet form as authorized by the Nebraska Statutes, with distribution to be made by making copies available to interested parties at the City of Alliance Office.

Roll call vote on the final reading of Ordinance No. 2829 with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, "the passage and adoption of Ordinance No. 2829 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The third reading of Ordinance No. 2830 which will amend the Alliance Municipal Code by updating the language for City Employee Pension Plans was the next discussion item. Council was provided with the following background information:

[Staff is proposing modifications to the Alliance Municipal Code regarding employee retirement committees. Council had previously approved the restated retirement plan documents for the General, Police and Fire Plans on September 1, 2015. Recommended modifications incorporated changes from the plan document and best practices. The fire and police sections are also updated to provide consistent application of the Revised Nebraska State Statutes and plan document language.

All Plans:

- Adds titles to the sections.

- Appoints the City Manager and Finance Director as administration representatives.
- Incorporates the Plan Administrator as a non-voting member and states the responsibilities are assigned by the City Manager.
- References statutory duties and the plan document for any additional delegated duties.

The Fire Plan Committee also reduces the number of employee representatives from four to two at the direction of the Fire Department. The Department is presently staffed with only four employees.]

A motion was made by Councilman Mischnick, seconded by Councilman Korber-Gonzalez to approve the third reading of Ordinance No. 2830 which Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2830

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE BY MODIFYING SECTIONS 2-131, 2-132, 2-133, 2-151, 2-152, 2-153, 2-171, 2-172 AND 2-173, RELATING TO THE GENERAL, POLICE AND FIREFIGHTER PENSION PLANS, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE WHICH ARE INCONSISTENT WITH THIS ORDINANCE, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Alliance Municipal Code at Section 2-131 through Section 2-133 shall be amended as follows:

Sec. 2-131. - Generally.

A pension plan, which shall be known as the "Alliance General City Employees' Pension Plan," and which is designed and intended to provide retirement benefits for the regularly employed and appointed employees of the city, excluding employees subject to the provisions of the police officers' and firefighters' pension ordinance, has been created. The pension plan began operation March 1, 1966, which date shall be referred to as the effective date. The plan has been restated as of September 1, 2015. The plan is designed and intended to comply with the applicable provisions of Internal Revenue Code.

Sec. 2-132. - General employee's retirement committee.

- (a) General Purpose. There is established a general employees' retirement committee which shall supervise the general operation of the general employee's retirement system.
- (b) Members. The retirement committee established shall consist of members from both the general city employees and designees of the city council. The committee shall consist of

six members, of which four members shall be selected by general city employees, and shall not be from the same department. The employee representative must also be a participant in the General Employees Retirement Fund. Two members shall be appointed by the city council. Administration shall be represented by the city manager and finance director. The plan administrator will be a non-voting member.

- (c) Elections. Election shall be by secret ballot under the supervision of the city clerk. Results of the election shall be certified to the city council by the city clerk.
- (d) Term. Employee members shall be appointed to three-year terms. Vacancies shall be filled by a person with the same representation as his predecessor.
- (e) Compensation. Members of the retirement committee shall receive no salary and shall not be compensated for expenses.
- (f) Duties. The retirement committee shall be established to supervise the general operation of the plan; provided, however, the City shall be responsible for the general administration of the plan except for such specific administrative functions which are delegated, by ordinance or plan document, to the retirement committee.

It shall be the duty of the retirement committee to:

- (1) Provide each employee a summary of plan eligibility requirements and benefit provisions;
- (2) Provide, within 30 days after a request is made by a participant, a statement describing the amount of benefits such participant is eligible to receive;
- (3) Make available for review an annual report of the system's operations describing both the amount of the contributions to the system from both employee and employer sources; and an identification of the total assets of the retirement system.

Sec. 2-133. Retirement Plan Administrator.

- (a) Appointment. The plan administrator shall be appointed by the city manager.
- (b) Duties. The plan administrator shall administer the operation of the plan in accordance with the terms and provisions of the plan in a uniform and nondiscriminatory manner.

Secs. 2-134—2-150. - Reserved.

SECTION 2. The Alliance Municipal Code at Section 2-151 through Section 2-153 shall be amended as follows:

Sec. 2-151. - Generally.

A pension system for police officers of the city has been established and is administered pursuant to R.R.S. 1943, §§ 16-1002 through 16-1019.

Sec. 2-152. - Retirement committee.

- (a) General Purpose. There has been established a police department retirement committee which shall supervise the general operation of the police department's retirement system.
- (b) Members. The retirement committee established shall consist of members from both the police force and designees of the city council. The committee shall consist of six members, of which, four members shall be selected by active, paid police officers. Two members shall be appointed by the city council. Administration shall be represented by the city manager and finance director. The plan administrator will be a non-voting member.
- (c) Elections. Election of police officers shall be by secret ballot under the supervision of the city clerk. Results of the election shall be certified to the city council by the city clerk.
- (d) Term. The committee members shall be appointed to four-year terms. Vacancies shall be filled for the remainder of the term by a person with the same representation as his predecessor.
- (e) Compensation. Members of the retirement committee shall receive no separate salary and shall not be compensated for expenses.
- (f) Duties. The retirement committee shall be established to supervise the general operation of the plan; provided, however, the City shall be responsible for the general administration of the plan except for such specific administrative functions which are delegated, by ordinance or statute, to the retirement committee.

Sec. 2-153 - Retirement Plan Administrator.

- (a) Appointment. The plan administrator shall be appointed by the city manager.
- (b) Duties. The plan administrator shall administer the operation of the plan in accordance with the terms and provisions of the plan in a uniform and nondiscriminatory manner.

Secs. 2-154—2-170. - Reserved.

SECTION 3. The Alliance Municipal Code at Section 2-171 through Section 2-173 shall be amended as follows:

Sec. 2-171. - Generally.

A pension system for firefighters of the city has been established and is administered pursuant to R.R.S. 1943, §§ 16-1020 through 16-1042.

Sec. 2-172. - Retirement committee.

- (a) General Purpose. There is established a fire department retirement committee which shall supervise the general operation of the fire department's retirement system.

- (b) **Members.** The retirement committee established shall consist of members from both the fire department and designees of the city council. The committee shall consist of four members, of which two members shall be selected by active, paid officers from the fire department of the city administration shall be represented by the city manager and finance director. The plan administrator will be a non-voting member.
- (c) **Elections.** Election of fire personnel shall be by secret ballot under the supervision of the city clerk. Results of the election shall be certified to the city council by the city clerk.
- (d) **Term.** The committee members shall be appointed to four-year terms. Vacancies shall be filled for the remainder of the term by a person with the same representation as his predecessor.
- (e) **Compensation.** Members of the retirement committee shall receive no separate salary and shall not be compensated for expenses.
- (f) **Duties.** The retirement committee shall be established to supervise the general operation of the plan; provided, however, the city shall be responsible for the general administration of the plan except for such specific administrative functions which are delegated, by ordinance or statute, to the retirement committee.

Sec. 2-173. – Retirement Plan Administrator.

- (a) **Appointment.** The plan administrator shall be appointed by the city manager.
- (b) **Duties.** The plan administrator shall administer the operation of the plan in accordance with the terms and provisions of the plan in a uniform and nondiscriminatory manner.

Secs. 2-174—2-195. - Reserved.

SECTION 4. All ordinances or parts of ordinances passed and approved prior to passage, approval and publication of this ordinance in conflict herewith are now repealed.

SECTION 5. This Ordinance shall be in full force and effect from and after its approval, passage, and publication in pamphlet form as authorized by the Nebraska Statutes, with distribution to be made by making copies available to interested parties at the City of Alliance Office.

Roll call vote on the final reading of Ordinance No. 2830 with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, “the passage and adoption of Ordinance No. 2830 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- The next item before Council was Resolution No. 17-02 which will approved the Economic Development Agreement with Abel Garica dba A&L Bakeries, LLC. Council was provided with the following background information:

[At its most recent meeting on December 15, the City’s Economic Development Plan Application Review Committee (EDPARC) voted unanimously to recommend to City Council approval of the LB840 application of A&L Bakeries (a limited liability corporation owned by Abel and Laura Garcia). The application is for build-out gap coverage for Daylight Donuts to be located at 304 Box Butte Avenue.

PROJECT OVERVIEW:

- Total Project: Up to \$275,000
- Equity Investment: \$50,000 (15 to 20% Equity in Total Project)
- Other Source Funding: \$195,000 SBA bank financing
- Full-time Positions: 3 to 4 (including bakers and counter staff)
- LB840 Assistance Requested: \$35,000 (\$5,000 Grant; \$20,000 Forgivable and \$10,000 Non-forgivable Loans)

STAFF FINDINGS:

- In reviewing the application, staff found that A&L Bakeries:
- Is a qualifying business (retail/commerce)
- Business activities are plan-eligible (jobs created)
- Financial Assistance sought is within limits (less than \$200,000)
- 10% equity investment is demonstrated (15 to 20% actual)

The LB840 administrator recommended a total assistance package of \$15,000; however, the EDPARC has suggested the following package totaling \$25,000: Forgivable Loan (\$10,000 forgiven over five years by maintaining two full-time positions)

Non-forgivable Loan (\$10,000 repayable over five years at a 1.5% interest rate)
Small Business Assistance Grant (\$5,000 forgivable after three years in business)

Legal documents have been prepared based on this recommendation for the Council’s consideration.]

Abel Garcia, 1118 E. 14th Street, Scottsbluff, NE, was in attendance to speak of the new business, Daylight Donuts, that he announced will be opening January 5, 2017.

Councilman Korber-Gonzalez asked Mr. Garcia if he has obtained a Certificate of Occupancy from the City of Alliance. He replied, Building Inspector Tim Morgan has issued him a Certificate of Occupancy.

Mayor Yeager made a motion to approve Resolution No. 17-02, which was seconded by Councilman Mischnick. The resolution follows in its entirety:

RESOLUTION NO. 17-02

WHEREAS, The voters of the City of Alliance approved an Economic Development Plan which had been adopted by the City Council in 2001 and in 2010, pursuant to the authority of Nebraska Revised Statutes 18-2701 through 18-2738;

WHEREAS, An Application Review Committee has been appointed by the City Council pursuant to law to review applications for assistance under the Economic Development Plan;

WHEREAS, The Economic Development Plan is funded by a portion of City sales tax which was also approved by the voters in 2001 and in 2007;

WHEREAS, The application of A & L Bakeries, LLC has been received for assistance pursuant to the Economic Development Plan, and it is a qualifying business pursuant to the requirements of the Economic Development Plan;

WHEREAS, The Application Review Committee has approved the application of A & L Bakeries, LLC and recommended to the Program Administrator that the project be approved;

WHEREAS, The Program Administrator has accepted the recommendation of the Application Review Committee, and recommends that the City Council approve the project;

WHEREAS, The Economic Development funds in the project requesting assistance are not the sole or primary funding source; and

WHEREAS, The City Council finds that A & L Bakeries, LLC is a qualifying business and that this allocation of funds does not exceed the limitations of Section 18-2717 of the Nebraska Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the application of A & L Bakeries, LLC for assistance from the Economic Development Fund pursuant to the Local Option Municipal Economic Development Act is hereby approved. Funding will be provided in the amount of \$25,000.00; of which \$5,000.00 is a Small Business Assistance Grant which may be forgivable after three years in business, \$10,000 in a Forgivable Loan over a five year period of maintaining two full time positions, and

\$10,000 in a Non-Forgivable Loan at a rate of 1.5% per annum and shall be payable in 60 monthly payments.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute on behalf of the City the Economic Development Assistance Agreement between the City of Alliance and A & L Bakeries, LLC.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 17-03, authorizing the purchase of a Bobcat Skid-Steer for the Sewer Department was the next discussion item. Council was provided with the following background information:

[As part of this year's capital budget process, the need for a skid-steer loader was identified by the Sewer Department. The addition of a concrete breaker attachment was also suggested. Funds for this equipment in the amount of \$52,600 were approved in final budget and are included in GL account 07-52-58-59-950.

The State of Nebraska currently has a contract and bid awarded by the National Joint Powers Alliance under contract #14660 OC which includes equipment that would fulfill the department's needs. The S650 T4 Bobcat skid-steer with the concrete attachment is available at \$49,647 and would be processed through Sandberg Implement Inc. of Gering, Nebraska. Sandberg Implement stated they would be honored to be the delivering dealer for this purchase and would deliver the equipment to the City of Alliance at no additional cost.]

Councilman Korber-Gonzalez made a motion to approve Resolution No. 17-03, which was seconded by Councilman Jones. The resolution follows in its entirety:

RESOLUTION NO. 17-03

WHEREAS, The City of Alliance owns and operates the Alliance Sewer System for the residents of the City of Alliance; and

WHEREAS, The City of Alliance would like to purchase a new skid-steer loader with a concrete breaker attachment for use within the sewer system; and

WHEREAS, The State of Nebraska currently has a contract and bid awarded by the National Joint Powers Alliance under contract No. 14660 OC which is available for this purchase; and

WHEREAS, Sandberg Implement Inc., of Gering, NE is able to provide a S650 T4 Bobcat skid-steer with the concrete attachment in the amount of Forty-seven Thousand Six Hundred Forty-seven Dollars and no/100ths (\$47,647.00).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that a S650 T4 Bobcat skid-steer with the concrete attachment be purchased from Sandberg Implement Inc., of Gering, NE and the contract is awarded in the amount of Forty-seven Thousand Six Hundred Forty-seven Dollars and no/100ths (\$47,647.00) from Account No. 07-52-58-59-950.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute the documents associated with this purchase.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item before Council was Resolution No. 17-04, authorizing the purchase of a John Deere front-end loader for the Airport. Council was provided with the following background information:

[The Airport has a 1994 515C Dresser front-end loader that is scheduled for replacement. The Airport is replacing the current unit with a larger unit with additional attachments. The Nebraska State Bid site did not include front-end loaders; however, government pricing was obtained through the National Joint Purchasing Association (NJPA).

Vendor	Description	Bid
Murphy Tractor & Equipment Gering, NE	John Deere 524K-II 4WD with attachments Grand Total	\$126,688.03 <u>+\$ 40,520.00</u> \$167,208.03
NMC – CAT Gering, NE	Caterpillar 926M with attachments Grand Total	\$137,200.00 <u>+\$ 37,050.00</u> \$174,250.00

Staff has recommended the purchase of a John Deere 524K-II along with a 14' snow push, 14' angle broom, pallet forks and attachment hook from Murphy Tractor & Equipment for \$167,208.03. The old front-end loader will be traded in along with pallet forks and broom which is included in the bid pricing. The 2016-

17 budget included \$200,000 under GL account 22-41-43-59-950. Financing will be required to fully fund this purchase and will most likely be combined with the runway bonding.]

Lynn Placek, Airport Manager, was in attendance to discuss the need for a loader at the Airport.

Councilman Mischnick asked Mrs. Placek if the maintenance costs have been reviewed prior to the purchase of a new unit. Placek explained the cost of a new unit would be less than the continued maintenance work on their current loader.

Councilman Jones asked why we are purchasing from the Scottsbluff dealer and not receiving bids from the local John Deere dealership.

Placek responded that the Alliance John Deere mainly sells farm equipment and the Scottsbluff Dealer has more heavy machinery.

Councilman Reynolds made a motion to approve Resolution No. 17-04, which was seconded by Councilman Korber-Gonzalez. The resolution follows in its entirety:

RESOLUTION NO. 17-04

WHEREAS, The City of Alliance owns and operates the Alliance Municipal Airport for the residents of the City of Alliance; and

WHEREAS, The City of Alliance needs to purchase a new front-end loader to replace the existing piece of equipment that is used at our airport; and

WHEREAS, The City received quotes from the National Joint Purchasing Association which utilizes government pricing; and

WHEREAS, Murphy Tractor & Equipment Co., of Gering, NE is able to provide a 2017 John Deere 524K II 4 WD Front-end Loader with attachments in the amount of One Hundred Sixty-seven Thousand Two Hundred Eight Dollars and 03/100ths (\$167,208.03).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that a 2017 John Deere 544K II 4 WD Front-end Loader with attachments be purchased from Murphy Tractor & Equipment Co., of Gering, NE and the contract is awarded in the amount of One Hundred Sixty-seven Thousand Two Hundred Eight Dollars and 03/100ths (\$167,208.03) from Account No. 22-41-43-59-950.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute the documents associated with this purchase.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 17-05 was the next agenda item. Resolution No. 17-05 will authorize a change order in the amount of \$4,758 for the addition of safety features for the bucket truck in the Electric Department. This resolution will also authorize a budget transfer in the amount of \$125,200. Council was provided with the following background information:

[During the final prebuild inspection of the new bucket truck that was originally approved by Council on March 15, 2016, Electric Superintendent Ed Tvrs identified the following upgrades for the added safety of employees working on and near the bucket truck. These features were not included in the original bid, but were added at a cost of \$4,758 to ensure the safest equipment possible.

- Grip strut step
- Non-skid coating
- Two-speed throttle
- Tool bin lighting
- Truck ground grounding reel
- Sure lock storage bins

Also, delivery was expected before the end of the prior fiscal year and the budget authority was not forwarded in the final budget approval. Since some billings for the Heartland Express were paid in the prior fiscal year, extra authority is anticipated in that line item; and therefore a transfer of \$125,200 is requested from Rural Rebuilds GL 05-51-54-53-948 to Capital Outlay - Vehicles GL 05-51-53-59-960.]

Councilman Jones made a motion to approve Resolution No. 17-54, which was seconded by Councilman Korber-Gonzalez. The resolution follows in its entirety:

RESOLUTION NO. 17-05

WHEREAS, The City of Alliance Electric Department received permission to purchase an Altec AT40M/P on a F-550 4x4 super crew XLT in the amount of One Hundred Twenty Thousand Four Hundred Forty and no/100ths (\$120,440) from National Joint Powers Alliance at the March 15, 2016 City Council meeting; and

WHEREAS, When placing the order staff identified a few necessary safety upgrades which resulted in an additional \$4,758 towards the purchase price; and

WHEREAS, Delivery of this vehicle was expected before the end of the prior fiscal year and the budget authority was not forwarded in the final budget approval; and

WHEREAS, Adequate funding is available for this purchase with a transfer of \$125,200 from Rural Rebuilds Account No. 05-51-54-53-948 to the Electric Capital Outlay-Vehicles Account No. 05-51-53-59-960.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that a change order to the purchase be approved in the amount of \$4,758 for the identified safety features added to the Altec AT40M/P on a F-550 4x4 super crew XLT bringing the total purchase price to One Hundred Twenty-five Thousand One Hundred Ninety-eight Dollars and no/100ths (\$125,198).

BE IT FURTHER RESOLVED that a transfer in the amount of \$125,200 is authorized from Rural Rebuilds Account No. 05-51-54-53-948 to Capital Outlay – Vehicles Account No. 05-51-53-59-960 is hereby approved

Roll call vote with the following results:

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

Voting Nay: None.

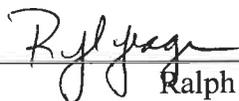
Motion carried.

- Board announcements were the next matter before Council.

Mayor Yeager announced that the City has the following openings at this time: two vacancies on the Board of Adjustment; two vacancies on the A-2 Downtown Improvement Board; one vacancy on the Library Board and two vacancies on the Park and Tree Board.

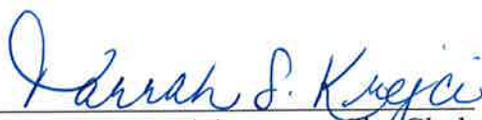
Anyone interested in serving on these Boards should contact the City Clerk's Office. Information on all of the City Boards is also available on our web site, www.cityofalliance.net.

- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:25 p.m."



Ralph Yeager, Mayor

(SEAL)



Tarrah S. Krejci, Deputy City Clerk

