

**ALLIANCE CITY COUNCIL**

REGULAR MEETING, TUESDAY, MAY 16, 2017

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

The Alliance City Council met in a Regular Meeting, May 16, 2017 at 7:00 p.m. in the Board of Education Meeting Room, 1604 Sweetwater Avenue, Alliance, Nebraska. A notice of meeting was published in the Alliance Times Herald on May 10, 2017. 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 May 16, 2017 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Council Members Yeager, Jones, Mischnick, Korber-Gonzalez and Reynolds. Also present were City Manager Kuckkahn, Assistant City Manager/Finance Director Waggener, City Attorney Olsen and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
- Council's first item on the agenda was the introduction of new City employees; Karna Hansen, Utility Customer Service Clerk I and Erin Walker, Parks Maintenance Worker I.
- The Consent Calendar was the next matter for Council's consideration. A motion was made by Jones, seconded by Mischnick to approve the Consent Calendar as follows:

CONSENT CALENDAR – MAY 16, 2017

1. Approval: Minutes of the Regular Meeting, May 2, 2017.
2. Approval: Payroll Costs for the period April 22, 2017 through May 5, 2017: \$333,277.09.
3. Approval: Claims against the following funds for the period April 28, 2017 through May 10, 2017: 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; \$449,143.60.

4. Approval: Update the roster of the Alliance Volunteer Fire Department by removing William Corbett.
5. Approval: Granting a Special Designated License to the U.S. Junior Chamber of Commerce Alliance Jaycees to conduct a beer garden during Heritage Days, July 20 – 22, 2017 between the hours of 5:00 p.m. and 1:00 a.m. each day. The event will be held in the Ken and Dales Restaurant parking lot in the same manner as previous years, which includes the waiver of the double fencing requirement.
6. Approval: The *Special Events Request for Use of Public Facilities, Parks, Streets* of the Alliance Jaycees for their annual Fireworks Display. The show date is scheduled for Tuesday, July 4, 2017, with the rain date set for July 5, 2017. The staging area will be on the west side of the lake with spectators required to be 450 feet outside the area. The request has been reviewed with Cultural and Leisure Services Director Brown and will not impact the current improvement project activities. A Certificate of Insurance has been provided naming the City as an additional insured.
7. Approval: The *Request for Reserved or Exclusive Use of City Streets* by the Cattle Capital Shrine Club for the closure of 14<sup>th</sup> Street between Box Butte and Sweetwater Avenues between 10:00 p.m. Saturday, June 10<sup>th</sup> and 10:00 a.m. Monday, June 12, 2017. Emergency access will be available should it be necessary. A Certificate of Insurance has been provided naming the City as an additional insured.
8. Approval: The issuance of a Cemetery Certificate to Kendra Bailey for Lot Three (3), Section One (1), Block Twenty-eight (28), Alliance Cemetery Fourth Addition.
9. Approval: The issuance of the following Contractor licenses:

Groundwork	Alan Koozer dba Koozer Construction Company
Sign	Condon Signs
Roofer	Richard Schank dba Schank Roofing Services
Master Plumber	Jeffrey M. Weber dba J & V Drain & Sewer Cleaning
Limited & Specialty	Monte Hankins dba Panhandle Gutter

NOTE: 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 with the following results:

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

Voting Nay: None.

Motion carried.

- A Public Hearing on the Blight and Substandard Study for the Wyoming Avenue Addition Area was the next agenda item. Following the Public Hearing, Council will consider Resolution No. 17-53 which will approve the Study. Council was provided with the following information:

[The Alliance Community Redevelopment Authority is proposing the inclusion of a 60.1 acre area of the City as a Blighted and Substandard District. Staff has prepared a Blighted and Substandard study of the Area for Council's review.

The area is located in the West Gateway Neighborhood as identified by the Alliance Comprehensive Plan. As its name implies, this is the western gateway to the community and its lack of consistent and modern development detracts from the overall appearance of this area and does not welcome visitors to Alliance. Promoting redevelopment in the western gateway that enhances the community's image is identified as an objective of the Plan. It is of the opinion of staff that this Blighted and Substandard Study supports the goals and objectives of the City of Alliance Comprehensive Plan

The Planning Commission held a public hearing at their April 11, 2017 Regular Meeting and found that the Study showed the existence of Blighted and Substandard conditions in the Area and that the inclusion as a new district will open up opportunities for redevelopment in the West Gateway Neighborhood. The Planning Commission then voted to recommend that the Council accept the Blighted and Substandard Study and for the inclusion of the Wyoming Avenue Addition Area as a Blighted and Substandard District in the City of Alliance.]

Councilman Mischnick stated for the record that he has a conflict of interest with this matter, therefore will not be participating in the discussion.

Councilman Jones acknowledged Councilman Mischnick's conflict and motioned to excuse him from the discussion. Councilman Mischnick seconded the motion.

Roll Call with the following results:

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

Voting Nay: None.

Motion carried.

Councilman Mischnick excused himself from the Council table during the discussion.

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 Blight and Substandard Study for Wyoming Avenue Addition Area and opened the public hearing at 7:03 p.m.

Community Development Director Brent Kusek, who prepared the Study, was in attendance to discuss his findings with Council.

No additional testimony was offered, Mayor Yeager closed the Public Hearing at 7:06 p.m.

Councilman Korber-Gonzalez motioned to approve Resolution No. 17-53, which was seconded by Councilman Reynolds. The resolution follows in its entirety:

RESOLUTION NO. 17-53  
(WYOMING AVENUE AREA ADDITION –  
BLIGHTED AND SUBSTANDARD AREA)

*WHEREAS*, It is necessary, desirable, advisable, and in the best interests of the City of Alliance, Nebraska (the “City”), for the City to undertake and carry out redevelopment projects in certain areas that are determined to be blighted and substandard and in need of redevelopment; and

*WHEREAS*, The Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

*WHEREAS*, Section 18-2109 of the Act requires that, prior to the preparation of a redevelopment plan for a redevelopment project, the Mayor and City Council shall, by resolution, declare the area to be blighted and substandard; and

*WHEREAS*, on Tuesday, May 16, 2017 the Mayor and City Council of the City held a public hearing (the “Public Hearing”) to determine whether the following described area (the “Redevelopment Area”) should be declared blighted and substandard and in need of redevelopment as required by the Act:

An area of land located in Box Butte County, Nebraska, more particularly described as follows:

All of Block 1, Harris Addition; All of Block 2, Replat of Block 2, Wyoming Avenue Addition; Lot 1, Subdivision of Block 6, Syndicate Addition; All of Blocks 1, 3, 4, 5 and 6, Wyoming Avenue Addition; All of Blocks 1, 2, 3 and 4, Reddish Addition; All of Block 1, Snedekers Addition; Lots 6-13 and 14-23, Block 2, Snedekers Addition; Lots 12-18, Block 3, Snedekers Addition; Blocks 1 and 2, Hoxworth Addition to the City of Alliance, Box Butte County, Nebraska, and Tract 8, Part of Tract 9, Tract 12, and Part of Tract 13, Plat of the Tracts of

the Southeast Quarter of Section 35, Township 25 North, Range 48 West of the 6<sup>th</sup> P.M., Box Butte County, Nebraska.

*WHEREAS*, Notice of the Public Hearing was published according to law, which notice described the time, date, place and purpose of the Public Hearing and the legal description of the Redevelopment Area; the last publication of such notice being at least ten days prior to the time of the Public Hearing; and

*WHEREAS*, On or before 10 days prior to the time of the Public Hearing, the City mailed notice of the Public Hearing by United States Mail, sufficient postage affixed, to all registered neighborhood associations whose area of representation is located in whole or in part within a one-mile radius of the Redevelopment Area and to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resources district with real property in the Redevelopment Area, which notice included the time, date, place, and purpose of the Public Hearing and included a map of sufficient size to show the Redevelopment Area; and

*WHEREAS*, The Public Hearing was conducted and all interested parties were afforded a reasonable opportunity to express their views respecting the declaration of the Redevelopment Area as blighted and substandard and in need of redevelopment, and the Mayor and City Council reviewed and discussed a *Blighted and Substandard Area Determination Analysis – Wyoming Avenue Addition Area* prepared by the City of Alliance Community Development Department (the “Blight Study”); and

*WHEREAS*, The Mayor and City Council desire to determine whether the Redevelopment Area is blighted and substandard and in need of redevelopment in accordance with the Act.

*NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA AS FOLLOWS:*

Section 1. The Redevelopment Area is declared to be substandard and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in Section 18-2103(10) of the Act, as described and set forth in the Blight Study. The Blight Study is attached as Attachment 1.

Section 2. The Redevelopment Area is further declared to be blighted and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in the Act, including, without limitation, (a) one or more of the factors set forth in Section 18-2103(11)(a) of the Act and (b) at least one of the factors set forth in (i) through (v) of Section 18-2103(11)(b) of the Act, as described and set forth in the Blight Study.

Section 3. The blighted and substandard conditions existing in the Redevelopment Area are beyond remedy and control solely through the regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by the Act, and the elimination of the blighted and substandard

conditions under the authority of the Act is hereby found to be a public purpose and declared to be in the public interest.

Section 4. The Redevelopment Area is in need of redevelopment and is or will be an eligible site for a redevelopment project under the provisions of the Act at the time of the adoption of any redevelopment plan with respect thereto.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

Councilman Mischnick returned to the Council table at this time.

- The next item on the agenda was Resolution No. 17-54 which will authorize staff to include the renovation of the Central Park Sunken Gardens to the City's Capital Improvement Plan. In addition, the resolution also authorizes a fundraising campaign through the Alliance Park and Tree Board for this project. The following information was provided to Council:

[At the May 2, 2017 meeting, Council was requested to grant permission for a fundraising campaign for the renovation of the Central Park Sunken Gardens. Council tabled the matter to allow time for the Park and Tree Board to consider the project and to contact the Alliance Park Foundation for their participation in the fundraising efforts.

The Park and Tree Board met on May 9, 2017 and made the following recommendations:

- The Sunken Gardens should be restored as historically accurate as possible using modern materials.
- The City of Alliance staff should oversee the project, including design and construction.
- The Alliance Park Foundation should handle the funds for the project, if they are willing.

The Alliance Park Foundation will be meeting on May 22, 2017 and both Shana Brown, Cultural and Leisure Services Director and Tami Swearingen will be in attendance seeking support and participation in the project and fundraising efforts.

The proposed resolution will instruct City staff to proceed with initiating the renovation of the Central Park Sunken Gardens as a future City project to be included within the Capital Improvements Plan and authorize fundraising efforts through the Alliance Park Foundation. The City will be requesting that fundraising

methods and activities be submitted to the City for pre-approval. This will allow Council and staff first-hand knowledge of the type of activities taking place such as telephone campaigns, mass mailings, event solicitations, money jars, product sales, etc.]

Councilman Jones motioned to approve Resolution No. 17-54, which was seconded by Councilman Mischnick. The resolution follows in its entirety:

RESOLUTION NO. 17-54

*WHEREAS*, The Alliance City Council has been approached to authorize the renovation of the Central Park Sunken Gardens to its historical appearance using modern materials; and

*WHEREAS*, The Alliance Park and Tree Board at their May 9, 2017 Special Meeting recommended to Council that the renovation of the Central Park Sunken Gardens be included in upcoming park improvements; and

*WHEREAS*, In anticipation for funding this project, Tami Swearingen, as an individual has recommended a fundraising campaign be initiated in support of the Central Park Sunken Garden renovation; and

*WHEREAS*, The Alliance Park Foundation is being requested to oversee the fundraising efforts for this project at their May 22, 2017 meeting.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the Central Park Sunken Garden renovation project will be included in upcoming park improvements and a plan will be developed to have the project incorporated within the Capital Improvements Plan.

*BE IT FURTHER RESOLVED* that the Alliance Park Foundation, if they agree will be granted authority to fundraise on the City's behalf for the Central Park Sunken Garden renovations, with the fundraising methods and activities obtaining pre-approval from the City Council.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Council's next matter of business was consideration of Resolution No. 17-56 which will approve a Change Order to the Streetscape Contract. The following background information was provided to Council:

[The design phases of the Historic Lighting Project began several years ago and one of the primary issues as well as reasons for delay centered on preservation of

the vaults. City of Alliance representatives as well as community based organization(s) advocated to preserve the vaults for historic reasons. This position was expressed in writing and used in the State's evaluation of the project. As the design evolved, questions arose concerning the intrusion of the design system used to preserve the vaults. This was one reason for delays in the design process. None the less, City interests fought hard to preserve the vaults and the final design respected that position. Thus the project bid was awarded with the vaults preserved. The bid was based on a bracket system to support precast concrete serving as a substructure for a new sidewalk and decorative brick on top.

Before construction began all of the parties involved in the construction process met to review the bracket system design on site. All agreed that while the bracket system may work and in fact had a structural engineer's stamp of approval it was not viewed as a good long-term solution. The ability of the contractor to execute the design given the conditions in the vault strongly suggested an alternative (more conventional) system be designed by the structural engineer. The engineer designed a post and beam system to support the precast substructure which was then taken to the contractor, KL Wood for pricing. The additional cost for the redesigned support was approximately \$60,000. The reason this option was pursued is that no additional reviews would be required to implement the design. Specifically, the State and possibly Federal agencies would not have to review the new plan because it preserves the vaults.

The contractor was also asked to price filling the vaults with earthen material and simply pouring a new sidewalk on top. That additional cost was approximately \$8,000. However filling the vaults obviously does not preserve them, so this approach would be subject to State and possibly Federal review. The question is how such a change in treatment of the vaults would be received by the reviewing agencies. This is particularly true since the community was such a strong advocate to preserve them based on their historic significance.

The dilemma at hand is whether we go back into the community and try to reverse our stance on the vault's historic significance and possibly risk the time it will require to have the fill option reviewed by the State and possibly Federal agencies. Even if the community agrees that the vaults are no longer historically significant, the City may end up in the same situation at a later date if the reviewing agencies refuse to change their view. In addition, while a political decision, is this something City government wants to rehash with its citizens?

Adequate budget authority is available via the transfer of pending project budget authority and/or contingency to cover the change order which will preserve the vaults and provide a reasonably good long- term solution.]

Councilman Reynolds motioned to approve Resolution No. 17-56, which was seconded by Councilman Jones.

Following a short discussion regarding the vaults, Councilman Jones made a motion to include language within the “4<sup>th</sup> Whereas” of the resolution to include a directive that the contractor use construction methods to ensure the current condition/character of the vaults are maintained. The motion was seconded by Councilman Mischnick.

Roll call vote to amend the language to Resolution No. 17-56:

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

Voting Nay: None.

Motion carried.

#### AMENDED RESOLUTION NO. 17-56

*WHEREAS*, The State of Nebraska on behalf of the City of Alliance solicited bids for the Streetscape Project on Box Butte Avenue between 3<sup>rd</sup> and 4<sup>th</sup> Streets; and

*WHEREAS*, The contract was awarded to K. L. Wood & Co., LLC, Alliance, Nebraska as the lowest, responsive, and responsible bid; and

*WHEREAS*, The City of Alliance has been made aware that in order to maintain the vaults within the project an alternate design system would be a better long term solution; and

*WHEREAS*, The additional cost for the redesigned support system to maintain the vaults is approximately \$60,000 and would be included within Change Order No. 1 of the project *which shall include a directive to K.L. Wood and Company, LLC to use construction methods to ensure the current condition and character of the vaults are maintained*; and

*WHEREAS*, Sufficient budget authority exists within the Street Fund to include these additional expenses.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the Streetscape Project on Box Butte Avenue between 3<sup>rd</sup> and 4<sup>th</sup> Streets move forward with an alternate design system for the vaults with an approximate cost of \$60,000; and that said expense will be included in Change Order No. 1.

Roll call vote on amended Resolution No. 17-56 with the following results:

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

Voting Nay: None.

Motion carried.

- Council announced the City currently has available one vacancy on each of the following Boards: Board of Adjustment and 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](http://www.cityofalliance.net).

- The next agenda item was an Executive Session.

A motion was made by Councilman Jones to enter into an Executive Session which is necessary for the protection of the public interest to conduct a strategy session regarding potential litigation. Councilman Korber-Gonzalez seconded the motion. Along with Council, City Manager Kuckkahn, City Attorney Olsen and City Clerk Jines were requested to remain for the Executive Session.

Roll call vote with the following results:

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

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, that the Alliance City Council will hold a closed session for the purpose of protecting the public interest to conduct a strategy session regarding potential litigation.

The Executive Session began at 7:48 p.m. and concluded at 8:02 p.m. No additional action was taken by Council.

- The final agenda item was an Executive Session for the performance evaluation of City Manager Kuckkahn.

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 the job performance evaluation of City Manager Kuckkahn; and that the Council finds the closed session is necessary to prevent needless injury to the reputation of City Manager Kuckkahn, and he has not requested a public hearing. The motion was seconded by Councilman Korber-Gonzalez. Along with Council, City Manager Kuckkahn, City Attorney Olsen and City Clerk Jines were requested to remain for the Executive Session.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

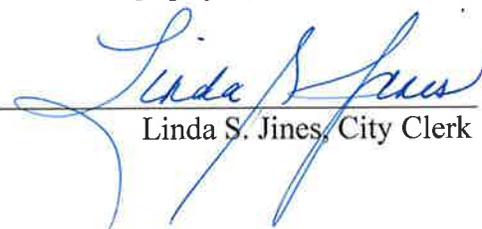
Mayor Yeager announced with five votes in favor, the Council pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943, that the Alliance City Council will hold a closed session for the purpose of the job performance evaluation of City Manager Kuckkahn; and that the Council finds the closed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

The Council entered into closed session at 8:05 p.m. The session concluded at 8:43 p.m.

- Mayor Yeager stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:44 p.m.”

(SEAL)

  
\_\_\_\_\_  
Ralph Yeager, Mayor

  
\_\_\_\_\_  
Linda S. Jines, City Clerk

