

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, JULY 18, 2017

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

The Alliance City Council met in a Regular Meeting, July 18, 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 July 12, 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 July 18, 2017 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Council Members Yeager, Mischnick, Korber-Gonzalez, Jones 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.
- The Consent Calendar was the first matter for Council’s consideration. A motion was made by Councilman Jones, seconded by Councilman Mischnick to approve the Consent Calendar as follows:

CONSENT CALENDAR – JULY 18, 2017

1. Approval: Minutes of the Regular Meeting, July 5, 2017.
2. Approval: Payroll Costs for the period June 17, 2017 through June 30, 2017: \$366,945.73.
3. Approval: Claims against the following funds for the period June 29, 2017 through July 12, 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; \$2,188,155.94.

4. Approval: Update the roster of the Alliance Volunteer Fire Department by adding Aydee Garcia.
5. Approval: The *Request for Reserved or Exclusive Use of City Streets* of the Alliance High School Student Council to conduct their annual Homecoming Parade. The Parade will be held on Friday, September 29, 2017 beginning at 2:30 p.m. at 16th Street and Box Butte Avenue proceeding south to 4th Street and ending turning east. A Certificate of Insurance will need to be provided one week prior to the event.
6. Approval and Acceptance: Certificate of City Clerk reporting the results of the retirement committee ballot election for the General Employee Retirement Plan and the Firefighters Plan.
7. Approval: The issuance of the following Contractor Licenses:

General Contractor	Country Construction dba ABC Seamless
	Justin Hernandez dba NGC Group Inc.

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

Voting Nay: None.

Motion carried.

- Resolution No. 17-73 awarding the Property & Casualty Insurance bid to Gregory's Insurance, Inc. was the next matter before Council. Council was provided with the following background information:

[The City of Alliance has contracted with Gregory's Insurance, Inc. since 2011 to provide property and casualty insurance coverage with Traveler's Insurance for the primary insurance package and with Phoenix Aviation through Old Republic Insurance Company for the airport general liability policy.

The policy will renew for an additional year on August 1, 2017 at a quoted price of \$641,184. This represents an overall increase of 3.85% over the prior year premium of \$617,401.

Last year Travelers Insurance offered an option of a two-year rate guarantee, which the City Council accepted. The guarantee was conditioned that the City had a 35%

or less loss ratio during the 2016-17 policy period. The City was successful in maintaining a less than 1% loss ratio throughout the majority of the year; unfortunately that changed with the tornado damage we received on June 12, 2017 at our Airport.

The City has been proactively working with Travelers' loss specialists for the past four years and believe this has had a role in our improved loss ratio during this time. However, there is always a chance for a severe storm to cause damages which are out of our control and it happened this year.

Workers Compensation premiums are based on actual payroll. Our Workers Compensation Experience Modification Factor has once again decreased, from 1.2 to .92 for the upcoming year. An annual audit is conducted for Workers Compensation and adjustments are made at that time.

The resolution which appears in the packet at this time is for the one-year renewal. Staff will be bidding our insurance package this upcoming fiscal year.]

Councilman Jones motioned to approve Resolution No. 17-73 which was seconded by Councilman Korber-Gonzalez. The resolution follows in its entirety:

RESOLUTION NO. 17-73

WHEREAS, The City of Alliance recognizes the importance of purchasing insurance to protect against significant loss which affect the budget and would impact the operation of the City of Alliance; and

WHEREAS, The City desires to provide the best protection at the lowest cost to give the taxpayers the most insurance for their taxpayer dollar; and

WHEREAS, The City of Alliance entered into a contract with Gregory's Insurance, Inc. to provide Property and Casualty insurance coverages with Traveler's Insurance as the package provider and Phoenix Aviation, who provides the Airport General Liability policy; and

WHEREAS, The City's coverages and premiums have been reviewed by Gregory's Insurance, Inc. and they have made a recommendation for the renewal of policies to be effective August 1, 2017.

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Alliance that the Mayor is authorized to sign a contract for insurance with Gregory's Insurance, Inc. in the amount of Six Hundred Forty-one Thousand One Hundred Eighty-four dollars and no/100ths (\$641,184.00), to include the two year rate guarantee described above.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on the agenda was Resolution No. 17-74 which will award the Engineering services for the new Public Transit Bus Barn/Parks Maintenance Facility to Joseph R. Hewgley & Associates, Inc. Council was provided with the following information:

[The City of Alliance was awarded funding to assist with the construction of a bus barn for use by Box Butte Public Transit. In an effort to save funds, City of Alliance staff decided to combine this project with the construction of a new Parks maintenance facility that became necessary when the old building was condemned and demolished.

To that end, in accordance with funding requirements, a Request for Qualifications (RFQ) was released to solicit engineering services for design and construction of a multi-use facility to house both the Parks Division and Box Butte Public Transit. The request for qualifications was released on March 1, 2017 and two responses were received from Baker and Associates of Scottsbluff and Joseph R. Hewgley & Associates of Scottsbluff.

Each firm was invited to present their qualifications and experience to an evaluation committee comprised of Cultural and Leisure Services Director Shana Brown; Parks Foreman Joe Lewis; and Community Services Director Janine Iossi. After the presentations, firms were rated by all three members of the evaluation team and all were in agreement that Joseph R. Hewgley & Associates was the firm with the most similar and extensive experience.

That staff recommendation along with a cost estimate provided by the selected firm was forwarded to the State of Nebraska for review and approval. Approval of the recommendation and fees was received June 27, 2017. The recommendation is now being presented for Council's approval to allow the City to move forward with the project.

The total quote for engineering services is \$144,000 which includes the design and construction administration services. The engineer services related to the Public Transit portion of the building will be reimbursed to the City of Alliance with the City paying 20% and grant funds paying 80%. Engineering services related to the Park Shop portion of the project will be fully funded by the City through the Capital Projects Fund.]

Councilman Mischnick motioned to approve Resolution No. 17-74 which was seconded by Councilman Jones.

Prior to any discussion, Councilman Reynolds declared he had a potential conflict of interest on this matter and wanted to excuse himself from participating in the discussion and action of this matter.

A motion was made by Councilman Korber-Gonzalez to accept Councilman Reynolds potential conflict of interest on this subject. The motion was seconded by Councilman Jones.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Councilman Reynolds removed himself from the Council table for the duration of this matter.

The resolution follows in its entirety:

RESOLUTION NO. 17-74

WHEREAS, The City of Alliance received Federal funds under Section 5311 of the Federal Transit Act for the Nebraska Public Transportation Assistance Program for the construction of a bus barn; and

WHEREAS, As a cost savings effort this project was combined with the construction of a new Parks maintenance building; and

WHEREAS, The available Federal Transit Act Section 5311 funds will be provided at 80% Federal and 20% local match for the bus barn portion and the City of Alliance will be responsible for 100% of the Parks maintenance building;

WHEREAS, City of Alliance staff conducted interviews for engineering services, as required by the State of Nebraska, and approved the selection of Joseph R. Hewgley & Associates, Inc. in the amount of One Hundred Forty-four Dollars and no/100ths (\$144,000.00).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Joseph R. Hewgley and Associates, Inc. will be selected to provide the engineering services for the construction of the Bus Barn/Parks Maintenance facility in the amount of One Hundred Forty-four Dollars and no/100ths (\$144,000.00), subject to an agreement satisfactory to the City of Alliance being executed by the parties.

Council discussed the details of this project. The Public Transit Bus Barn is being funded through the Nebraska Department of Roads on an 80%/20% cost share. The City is in the process of replacing our Parks Shop and believes combining the projects into one facility will be more cost efficient and beneficial to the taxpayers. The City will be 100% responsible for the Park Shop component of the project. Upon receiving the price quote for the engineering services, Council was concerned that it was higher than anticipated when the building portion is pre-engineered. Council expressed the desire to look into the possibility of utilizing the Construction Management Risk process for this project.

A motion was made by Councilman Mischnick to table Resolution No. 17-74 until additional information is obtained regarding the potential for utilizing a Construction Management Risk process for this project.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Council requested staff to obtain additional information to see if the Construction Management Risk process would be a viable option for this project. Councilman Reynolds returned to the Council table.

- The next item on the agenda was Resolution 17-75 which will authorize the janitorial agreements for the Knight Museum and Sandhills Center, Library/Learning Center, Skyview Golf Course and Public Works Facility. Council was provided with the following information:

[Due to the closure of Service Maxx Cleaning as of June 30, 2017, the City of Alliance has sought new vendors to provide cleaning services for the Alliance Learning Center, Knight Museum & Sandhills Center, Airport Terminal, Public Works Facility and SkyView Golf Course Clubhouse.

A Request for Qualifications and Bid (ITB 7176-06-2017) for janitorial services was issued June 7, 2017 and bid packets were received by five contractors. Below is a bid tab detailing the bids received at the opening on June 28, 2017 at the Knight Museum & Sandhills Center.

Bidder	Knight Museum	Airport Terminal	Public Works Facility	Skyview Golf Course	Library/Learning Center
ABM Janitorial	\$14,942.52	\$11,323.20	\$14,328.48	\$6,080.76	\$29,487.12
A & J Janitorial	\$10,440.00		\$14,400.00		\$26,040.00
Gary's Cleaning	\$26,520.00	\$38,340.00	\$25,000.00	\$21,320.00	
FGB Service					\$16,971.00
L & J Cleaning Inc.	\$11,808.00	\$12,466.00	\$11,388.00	\$2,726.00	\$19,202.00
Previous Provider Price	\$9,491.04	\$6,282.30	\$6,977.60	\$1,802.70	\$23,250.00

Janitorial services were last bid in 2015 and those prices remained constant until the closure of the business. All insurance and bond documentation required by the contracts will be obtained prior to the start date or contract effective date of August 1, 2017, whichever is first.

Unfortunately, the bid for the Airport Terminal does not appear to fit the needs of the facility and staff is researching alternative options to provide this service.]

A motion was made by Councilman Korber-Gonzalez to approve Resolution No. 17-75. Councilman Mischnick seconded the motion. The resolution follows in its entirety:

RESOLUTION NO. 17-75

WHEREAS, The City of Alliance operates the Alliance Library/Learning Center, Knight Museum and Sandhills Center, SkyView Golf Course, and the Public Works Facility; and

WHEREAS, As a result of normal use the buildings require cleaning on a regular basis; and

WHEREAS, The City issued an Invitation to Bid for the Janitorial Services for the City operated facilities pursuant to Bid Number 7176-06-2017; and

WHEREAS, The successful bidder for the Knight Museum and Sandhills Center was A & J Janitorial of Alliance, Nebraska in the amount of \$10,440 annually; and

WHEREAS, The successful bidder for the Alliance Library/Learning Center was FGB Service in the amount of \$16,971.00; and

WHEREAS, The successful bidder for the Public Works Facility and Skyview Golf Course was L & J Cleaning Inc. in the amount of \$11,388.00 and \$2,736.00; respectively; and

WHEREAS, City staff believes it is in the best interest of the citizens of Alliance to award the various janitorial contracts for public facilities.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to sign Agreements with the listed vendors to provide for janitorial services at the following locations, effective August 1, 2017. Funding for these services is budgeted and available for the various departments.

Facility	Vendor	Annual Contract Amount
Alliance Library/Learning Center	FGB Service	\$16,971.00
Knight Museum & Sandhills Center	A & J Janitorial	\$10,440.00
Public Works Facility	L & J Cleaning Inc.	\$11,388.00
SkyView Golf Course	L & J Cleaning Inc.	\$2,736.00

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was a sidewalk discussion to consider possible solutions for the areas within the community which do not currently have sidewalks or they are damaged and unsafe. Staff provided the following summary for Council's consideration which was presented by Community Development Director Kusek:

[Several sidewalk issues were discussed at the June 13, 2017 meeting of the Alliance Planning Commission. The goal was for the Commission to come up with ideas on possible solutions to the most reoccurring sidewalk problems. The Planning Commission discussed four different topics each in respect to the sidewalks in Alliance. Including: the requirement to install sidewalks adjacent to substandard streets; existing sidewalk conditions; properties that have been developed without sidewalk; and pedestrian connectivity in Alliance. Following are summaries of the discussion by each of the issues.

1. Sidewalks Adjacent to Substandard Streets.

The City of Alliance Municipal Code requires the construction of a sidewalk adjacent to properties if there is new construction in the amount of \$2,500 or more or a remodel in the amount of \$5,000 or more. The problem is that there are streets in Alliance that do not meet minimum standards. The three situations most experienced by staff are streets without a paved road surface, streets with a paved road surface but no curb and gutter, and streets with a gravel road surface but no curb and gutter.

There are a few problems requiring sidewalk construction before the establishment of the curb grade. One is that there is a maximum grade allowed between the back of the curb and gutter and the street side of the sidewalk surface. If a property is developed and a sidewalk installed before the curb grade is established, the sidewalk may not be installed to code when the curb and gutter is paved.

The other problem is with elevation changes between lots. When the curb grade is established, the property owner of each lot along the street has a consistent grade at which to build their sidewalk. This lack of consistency is a problem when neighboring properties have elevation changes between them. It may make it difficult to install sidewalk that is supposed to connect to their neighbor's lot.

There were a few solutions discussed such as considering these situations hardships and not requiring sidewalk; however, this would require the City Council to bring the issue up in the future when curb and gutter is installed adjacent to each of these properties.

Another idea was entering into a contract with the property owner when applying for a building permit that would allow the property owner to defer the installation of the sidewalk until such time as the curb and gutter is installed or when the Council finds it in the best interest of the City to have a sidewalk constructed. The contract would also state that the property owner waives their right to protest any assessment made by the City for the installation of the sidewalk should they refuse to install it and the City must do it.

Staff recommendation is to develop a contract or an acknowledgement that the property owner would sign allowing the deferment of the installation of the sidewalk until the curb and gutter is constructed or the City Council finds it is in the best interest of the City to install the sidewalk.

2. Sidewalk Conditions and Deterioration.

The Planning Commission discussed the possibility of developing a grading system to classify the condition of existing sidewalks in Alliance and determine at which grade it should be replaced. Staff mentioned that a timeframe for repair and replacement should be developed to provide guidance for staff on how long property owners are given before the City makes the repair and assesses the cost. There is an ordinance that requires the installation and maintenance of a sidewalk, but there is not a metric used to evaluate and grade existing sidewalk to determine when it should be replaced and how long the City should give owners to replace it.

Staff recommends developing a grading system for evaluating sidewalk condition and determining a schedule property owners would have to follow in their replacement of substandard sidewalk (i.e. X amount of weeks/months per 25' of replacement).

3. Properties Developed in the past that have curb and gutter but no sidewalk.

There are a few properties in town that were inadvertently allowed to be developed without sidewalk even though there was an established curb grade at the time of construction. The Planning Commission discussed requiring the installation and felt it was in the best interest of the City to inventory these properties and require sidewalk installation.

The City has dealt with this situation in the past albeit at a larger scale. In the 1970s and 1980s there were dozens of lots developed without sidewalks. The City sent the owners of those lots letters stating they needed to install sidewalks or the City would do it and assess the cost against their property. It was controversial and staff believes this has the potential to be controversial as well; however, there are far fewer properties that fall under this category now than did 30 years ago.

Staff recommends that developed properties be evaluated for sidewalk installation, that said walks be installed unless there is a situation that would make the sidewalk dangerous to pedestrian traffic, and to consider a “phasing in” time frame for larger properties, similar to the schedule in the recommendation for repair and placement of existing sidewalk.

4. Pedestrian Connectivity.

The sidewalk system in Alliance should provide connectivity of pedestrian traffic throughout the entire community. The core of the City is very well connected with sidewalks and a trail system but there are a few subdivisions that have been excluded. One of those is Meadowood Addition which is in the process of being connected to the rest of the City with the East 10th Street trail improvement project in conjunction with the East 10th Street paving project.

This same connectivity should be considered for the other subdivisions in Alliance that do not currently have a safe or reliable means for pedestrians to get to the core of the City. Considerations could include South Alliance, Homestead Addition, Alliance West of the tracks, or Lakefield Addition.

The Nebraska Department of Economic Development has grants that aid communities in public works infrastructure including sidewalks. Some grants require a plan that details the City’s goals in respect to its sidewalk infrastructure. The City does not have a formal document or plan showing how we would better connect the City with new sidewalk placement and replacement.

Staff recommends evaluating all outlying subdivisions and determine how well they are connected to the core of the community and adding a pedestrian connectivity component to the City of Alliance Comprehensive Plan during its next update.]

Following the overview by Community Development Director Kusek, Council inquired if the City’s current Sidewalk Replacement Program could be revamped to assist in bringing our sidewalks system to a more desirable state. Since the Council appears to be in favor of the suggestions presented, staff will prepare legislative documents to move forward with the suggestions at a future meeting. A sidewalk inventory will be prepared prior to moving forward.

- The next item on the agenda was a resignation from serving on several boards and our board vacancy announcement.

A motion was made by Councilman Reynolds to accept the resignation of Kurt Schmidt from the Alliance Planning Commission, Community Redevelopment Authority and the Economic Development Plan Citizen Advisory Board. The motion was seconded by Councilman Korber-Gonzalez. Council thanked Mr. Schmidt for his service.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Councilman Reynold announced the City is currently seeking interest from individuals to serve on the Board of Adjustment, Economic Development Plan Citizen Advisory Board, Park and Tree Board and the Planning Commission. Anyone interested in serving on these Boards should contact the City Clerk's Office. Information on all of the City Boards is also available on our web site, www.cityofalliance.net.

- Council's next item for review, was the request of Attorney Terry Curtiss to add the Certificate of Occupancy and utility services for 1531 East 11th Street as an emergency agenda item.

Terry Curtiss an attorney representing James and Kim (Burke) Smith stated his request was timely to be placed on the agenda; but he believes it is an emergency as his clients need a place to live. City Attorney Olsen informed Council that it was Mr. Curtiss who requested this item be declared an emergency.

A motion was made by Councilman Jones, seconded by Councilman Mischnick to add Mr. Curtiss's request to add this item on the agenda as an emergency.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

Mr. Curtiss started the discussion stating that the Mr. and Mrs. Smith purchased a lot in Meadowood Addition from the City of Alliance. On this lot they have placed two modular units which they purchased from a company in Mitchell, NE. The company contracted with Fillbro Construction to move the units which was done in May. While moving the units to the site the second unit hit utility lines which caused damage by pulling the lines down and breaking the utility pole. The City invoiced the repair of the damage to Fillbro Construction and copied the billing to the Smiths. Mr. Curtiss stated the City is taking the position that the Smiths are being held responsible for the damages and that a Certificate of Occupancy will not be issued until paid. Mr. Curtiss does not dispute that the units were moved without a Moving Permit issued by the City of Alliance. He believes the Smiths cannot be held liable for the damages of Fillbro Construction; and that Fillbro's insurance company has accepted responsibility for the damages. He states the Smiths are now ready to move in and have electric service and that their account is paid in full; however the water service has been turned off by the City. Mr. Curtiss believes the

Smiths are being held accountable for someone else's misdeed. He also stated the Smith's house has been fully completed and inspected. Mr. Curtiss informed Council that State Statutes take precedence over City laws and the Statute of Frauds is what comes into play in this situation; which would not allow the City to hold the Smiths liable for the damages incurred to the City's utility. Mr. Curtiss stated the Smiths stayed at a motel last night at his instruction and that they have also been using their camper which is on the site of their home.

City Attorney Olsen stated the City Council does not have the jurisdiction to address this request for the issuance of a Certificate of Occupancy as it is the responsibility of the Board of Adjustment per Section 19-909 of the Nebraska Statutes. Section 19-910 further states that the Board of Adjustment will "hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures." The jurisdiction of this matter does not fall under the City Council's authority.

City Attorney Olsen does contend that the Smiths did contract for the home which included the delivery of the home. A moving permit was not requested or obtained by the Smiths or their moving company; had that been done we would not be discussing this now.

City Manager Kuckkahn reported that the Smiths have 7 pending issues some of which are life safety issues which need to be completed before a Certificate of Occupancy can be issued.

A motion was made by Councilman Jones, seconded by Mayor Yeager to instruct staff to not withhold the Certificate of Occupancy based on the non-payment of the utility damages as a result of moving the modular units to the site.

Roll call with the following results:

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

Voting Nay: Reynolds.

Motion carried.

- The final agenda item was the request of Mayor Yeager to serve on the Larger Cities Legislative Committee of the Nebraska League of Municipalities.

A motion was made by Councilman Mischnick, seconded by Councilman Jones to approve Mayor Yeager's request to serve on the Larger Cities Legislative Committee.

Roll call vote with the following results:

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

Abstaining: Yeager.

Voting Nay: None.

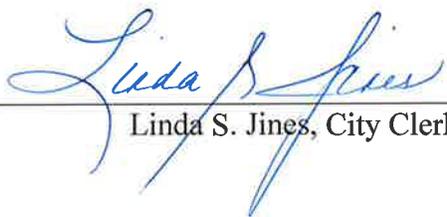
Motion carried.

- Mayor Yeager stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:34 p.m.”

(SEAL)



Ralph Yeager, Mayor



Linda S. Jines, City Clerk

