

# ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, MARCH 1, 2007

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

The Alliance City Council met in a Regular Meeting, March 1, 2007 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 February 22, 2007. 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 Kusek opened the March 1, 2007 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Kusek, Council Members Dickenson, Benzel, Rowley, and Yeager. Also present were City Manager Caskie, City Attorney Dobrovolny and City Clerk Jines.

- The first item to come before Council was the Consent Calendar.

Motion by Councilman Dickenson, seconded by Councilman Benzel to approve the Consent Calendar which follows in its entirety:

**CONSENT CALENDAR - MARCH 1, 2007**

1. Approval: Minutes of the Regular Meeting, February 15, 2007 and the Special Meeting, February 15, 2007.
2. Approval: Payroll and Employer Taxes for the period January 27, 2007 through February 9, 2007, inclusive; \$129,432.97 and \$9,235.73 respectively.
3. Approval: Claims against the following funds for February 9, 2007 through February 26, 2007; General, General Debt Service, Trust and Agency, Street, Electric, Refuse Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement: \$1,028,820.95.

4. Approval: Update the roster of the Alliance Volunteer Fire Department by adding Pauline Zak (Peterlin) and removing Darcy Sample, Wayne Glass, Jason Henton, Shelley Sanders, and Hank Toedtli.
5. Approval: Issuance of the following Cemetery Certificates:  
  
To James E. Rowe and Joyce-Lea Rowe the West One Half (W1/2) of Lot Twenty-three (23), Section One (1), Block Twenty-seven (27), Fourth Addition to the Alliance Cemetery.  
  
To Richard Wineteer the East One Half (E1/2) Lot Nine (9), Section Seven (7), Block Twenty (20), Third Addition to the Alliance Cemetery.

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

Roll call vote with the following results:

Voting Aye: Kusek, Dickenson, Benzel, Rowley, Yeager.

Voting Nay: None.

Motion carried.

- The next item to come before Council was a Conflict Claim by Vice Mayor Benzel in the amount of \$8.29.

Motion by Mayor Kusek, seconded by Councilman Dickenson to approve a Conflict Claim by Vice Mayor Benzel in the amount of \$8.29.

Roll call vote with the following results:

Voting Aye: Kusek, Dickenson, Rowley, Yeager.

Voting Nay: None.

Abstaining: Benzel.

Motion carried.

- The presentation of Proclamations for Girl Scout Week and Multiple Sclerosis Awareness Week was the next item on Council's agenda.

City Manager Caskie read the proclamation for Girl Scout Week which follows in its entirety:

**PROCLAMATION**  
*GIRL SCOUT WEEK*

WHEREAS, March 12, 2007, is the 54<sup>th</sup> anniversary of Guiding Star Girl Scout Council; and

WHEREAS, Girl Scouting was founded March 12, 1912 and has been a vital organization for girls who are growing up, enabling them to develop self-esteem and leadership skills, and providing an atmosphere of warm and true friendship; and

WHEREAS, The Girl Scout program not only reflects the enduring values and standards that have been part of the organization since its inception, but also lends itself to the needs of girls today; and

WHEREAS, Girl Scouts of all ages have made important contributions to the life of this, our home community,

NOW, THEREFORE, on behalf of the Members of the City Council of the City of Alliance, Nebraska, we do hereby proclaim March 11-17, 2007 as

**GIRL SCOUT WEEK**

in Alliance, Nebraska and thus, do urge the citizens of Alliance to support in every way the activities and endeavors of Girl Scouts.

The proclamation was presented to Kiera Hinton, Rebecca Johns, McKenzie Phiffer, and McKenzie Broderick.

Councilwoman Rowley read the proclamation for Multiple Sclerosis Awareness Week which follows in its entirety:

**Multiple Sclerosis Awareness Week**

Whereas, in its quest to end the devastating effects of Multiple Sclerosis (MS) for over 60 years; the National Multiple Sclerosis Society is the one thing people with MS can count on ; and

Whereas, as the most common disabling neurological disease of young adults in the United States and particularly in the Rocky Mountains, Multiple Sclerosis affects 450,000 people nationwide; and

Whereas, Multiple Sclerosis will affect **everyone** over their lifetime, whether it be themselves, family, or friends; whether it be in the home or workplace; and

Whereas, the National Multiple Sclerosis Society will have provided over \$500 million for research and fellowship grants during the past six decades, as well as a wide range of client services in the

areas of health, knowledge, and independence through its fifty-state network of chapters and its home office; and

Whereas, while research advances have brought us closer to finding the cure, prevention, and cause for Multiple Sclerosis, much remains to be done and services must continue to be provided to those who live with the disease;

Now, therefore, We, the City Council of the City of Alliance, hereby proclaim the week of March 5-11, 2007 as

**“Multiple Sclerosis Awareness Week”**

In the city of Alliance and urge all of our citizens to recognize this event and participate in its observance.

The proclamation was presented to Monica Leever, Bette Gerlach and members of the Multiple Sclerosis Support Group.

- The first reading of Ordinance No. 2564 amending the Alliance Municipal Code at Chapter 1, Article 5 regarding cemetery regulations was the next item for Council’s review. This will establish areas in the new addition of the cemetery for the use of flat headstones only in sections specifically designated for the burial of cremains.

Motion by Councilman Dickenson, seconded by Councilman Yeager to approve Ordinance No. 2564 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

**ORDINANCE NO. 2564**

AN ORDINANCE AMENDING SECTION 1-515 OF THE ALLIANCE MUNICIPAL CODE REGARDING MONUMENT RESTRICTIONS AT THE CEMETERY AND REPEALING EXISTING PROVISIONS OF CITY CODE NOT CONSISTENT HEREWITH.

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

SECTION 1. The City of Alliance owns and operates a municipal cemetery.

SECTION 2. The City of Alliance has recently opened a new area of the cemetery, which has spaces specifically for cremains.

SECTION 3. Section 1-515, Monument Restrictions, is hereby amended by the addition of the following paragraph:

Monuments or other markers placed in sections of the cemetery subdivided for cremain burials (and Block 24, Fourth Addition) must be set flush with the ground

and may not exceed 2 feet by 1 foot in size. No other permanent objects or plantings of any nature may be placed in cremains areas or Block 24, Fourth Addition.

The remainder of Section 1-515 remains unchanged.

SECTION 4. All other ordinances or parts of ordinances, resolutions, or regulations or polices of the City of Alliance in conflict herewith are hereby repealed.

SECTION 5. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Parks Superintendent Heather Hauptman explained that the spaces in the cremains section are smaller than a standard cemetery space and that installation of upright markers would prohibit the use of a mower in those sections.

Roll call vote with the following results:

Voting Aye: Kusek, Dickenson, Benzel, Rowley, Yeager.

Voting Nay: None.

Motion carried.

- The next item for Council's consideration was Resolution No. 07-25 authorizing the purchase of a 2007 Chevrolet pickup in the amount of \$20,503 for the Street Department from Wolf Auto Center in Bayard, NE.

Motion by Councilman Dickenson, seconded by Councilman Benzel to approve Resolution No. 07-25 which follows in its entirety:

**RESOLUTION NO. 07-25**

*WHEREAS*, The City of Alliance has authorized a competitive bidding process to obtain bids for a one-half ton pickup truck for the Streets Department pursuant to bid number 1230-07-21; and

*WHEREAS*, Four invitations to bid were issued, and three responses were received; and

*WHEREAS*, The bid of Wolf Auto Center of Bayard, Nebraska appears to be the lowest, responsive, and responsible bid in the amount of \$20,503.00.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, the contract for bid number 1230-07-21 is hereby awarded to Wolf Auto Center of Bayard, Nebraska in the amount of \$20,503.00.

*BE IT FURTHER RESOLVED*, that City staff shall notify the successful bidder so that

preparation and delivery can proceed according to the bid specifications.

Councilman Yeager questioned the necessity of an extended cab rather than a standard cab. Purchasing Agent Eric Lenz advised Council that there is no extra seating but it provides an area for secure tool storage.

Roll call vote with the following results:

Voting Aye: Kusek, Dickenson, Benzel.

Voting Nay: Rowley, Yeager.

Motion carried.

- Resolution No. 07-26 authorizing the purchase of a 2007 Chevrolet pickup in the amount of \$16,910 from Wolf Auto Center of Bayard, NE for the Sewer Department was the next item to be discussed by Council.

Motion by Councilman Dickenson, seconded by Councilwoman Rowley to approve Resolution No. 07-26 which follows in its entirety:

#### **RESOLUTION NO. 07-26**

*WHEREAS*, The City of Alliance has authorized a competitive bidding process to obtain bids for a one-half ton pickup truck for the Water/Sewer Department pursuant to bid number 1230-07-21; and

*WHEREAS*, Four invitations to bid were issued, and three responses were received; and

*WHEREAS*, The bid of Wolf Auto Center of Bayard, Nebraska appears to be the lowest, responsive, and responsible bid in the amount of \$16,910.00.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, the contract for bid number 1230-07-21 is hereby awarded to Wolf Auto Center of Bayard, Nebraska in the amount of \$16,910.00.

*BE IT FURTHER RESOLVED*, that City staff shall notify the successful bidder so that preparation and delivery can proceed according to the bid specifications.

Roll call vote with the following results:

Voting Aye: Kusek, Dickenson, Benzel, Rowley.

Voting Nay: Yeager.

Motion carried.

- The next item for Council's consideration was Resolution No. 07-27. This resolution will remove the Essay Building from consideration of the city building options and authorize a payment of \$500 from the City Council Contingency Fund to Mr. and Mrs. Luis Sanchez in consideration of their treatment of the property during negotiations.

Motion by Mayor Kusek, seconded by Councilwoman Rowley to approve Resolution No. 07-27 which follows in its entirety:

**RESOLUTION NO. 07-27**

*WHEREAS*, City staff has held preliminary negotiations with the owners of the: West 60' of Lot 13 and the West 60' of the South 23' of Lot 14, Block 9, Original Town of Alliance, Box Butte County, Nebraska, according to the recorded plat thereof; as one of several alternatives for City Hall renovation or relocation; and

*WHEREAS*, City Council has directed that use of this real estate as a site for City Hall will not be pursued; and

*WHEREAS*, The owners of said real estate have held the property in a manner essentially similar to the City having had an option on the property.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that Five Hundred Dollars (\$500.00) is authorized to be paid to the owners of the: West 60' of Lot 13 and the West 60' of the South 23' of Lot 14, Block 9, Original Town of Alliance, Box Butte County, Nebraska, according to the recorded plat thereof; from City Council Contingency in consideration of their treatment of the property during negotiations.

Roll call vote with the following results:

Voting Aye: Kusek, Dickenson, Benzel, Rowley, Yeager.

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was a discussion regarding the Concealed Carry Law in Nebraska.

City Attorney Dobrovlny explained that the Nebraska State Statutes allow application to be made to carry a concealed handgun provided several qualifications are met. A list of premises that do not allow concealed weapons was provided to Council. Police Chief John Kiss indicated that the statutes and list of premises is satisfactory for the Alliance Police Department. City Attorney Dobrovlny advised Council that discussion should take place regarding prohibition of concealed weapons on city property. The policy could be implemented by posting signs or adopting legislation in the Municipal Code which would eliminate the need for signs. Council directed staff to compile

a list of city properties to be included in the discussion.

- The last item on Council's agenda was board appointments.

Motion by Councilman Dickenson, seconded by Councilman Benzel to re-appoint Bill Reno to the Police/Citizen Advisory Board for a term expiring December, 2008.

Roll call vote with the following results:

Voting Aye: Kusek, Dickenson, Benzel, Rowley, Yeager.

Voting Nay: None.

Motion carried.

Motion by Councilman Dickenson, seconded by Councilwoman Rowley to appoint Denise Barker to the A-1 Downtown Improvement Board for a term expiring October, 2007.

Roll call vote with the following results:

Voting Aye: Kusek, Dickenson, Benzel, Rowley, Yeager.

Voting Nay: None.

Motion carried.

- City Manager Caskie reminded Council of the Special Council meeting to be held on Thursday, March 15, 2007 in the Alliance Learning Center to discuss water issues.

- Mayor Kusek stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:44 p.m."

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Dan Kusek, Mayor

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Linda S. Jines, City Clerk