

February 18, 2010

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, FEBRUARY 18, 2010

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

The Alliance City Council met in a Regular Meeting, February 18, 2010 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 11, 2010. 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 February 18, 2010 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Yeager, Council Members Kusek, Benzal, Rowley and Feldges. Also present were City Manager Caskie, City Attorney Miller and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
- The first item on Council’s agenda was the Consent Calendar.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to approve the Consent Calendar which follows in its entirety:

CONSENT CALENDAR – FEBRUARY 18, 2010

1. Approval: Minutes of the Regular Meeting, February 4, 2010.
2. Approval: Payroll and Employer Taxes for the period January 23, 2010 through February 5, 2010 inclusive: \$158,975.18 and \$11,269.66 respectively.

February 18, 2010

3. Approval: Claims against the following funds for the period February 1, 2010 through February 16, 2010: 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; \$666,954.85.
4. Approval: Resolution No. 10-17 granting a Special Designated License to the Knight of Columbus for March 13, 2010. The Knights of Columbus will be conducting their annual Shamrock Shenanigans event at the Parish Center, 1104 Cheyenne Avenue.
5. Approval: Resolution No. 10-18 authorizing staff to submit unclaimed property as listed to the State of Nebraska Treasurer's Office pursuant to the Nebraska Unclaimed Property Act.
6. Approval: The issuance of a Cemetery Certificate to Jeremy Dean and Jessica Dean for the West One Half (W1/2) of Lot Five (5) and the West One Half (W1/2) of Lot Six (6), Section Two (2), Block Twenty-two (22), Fourth Addition to the Alliance Cemetery.
7. FYI: Attached are the most recent dashboard graphs for your information: Utility Delinquent Accounts and Disconnects, Utility Data, Water Revenue, Water Usage, Water Total Gallons, Sales Tax Received, Sales Tax Trend, Electric Revenue, Electric Usage, Airport Deplaned Passengers, Airport Enplaned Passengers, and Hotel Occupation Tax.

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.

Councilman Kusek questioned a charge for a mini bar. City Manager Caskie explained that several items have been purchased for the Knight Museum and Sandhills Center to create rental revenue. A fee schedule will be provided to Council illustrating the rental fee for various items. He also asked about a warehouse lease charge to the Burlington Northern Railroad. City Manager Caskie advised Council it is the warehouse the City would like to demolish, however the lease is due. Councilman Kusek asked the City Clerk to verify the date for the Special Designated License to the Knights of Columbus.

Motion by Councilman Kusek, seconded by Councilman Benzel to amend Resolution No. 10-17 by including both March 13, 2010 and March 20, 2010 as possible dates for the event to take place.

Roll call vote on the amendment with the following results:

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

Voting Nay: None.

Motion carried.

Councilwoman Rowley questioned the amount charged for petty cash. City Manager Caskie explained the amount in petty cash has been increased. Councilman Feldges asked about

February 18, 2010

a fee charged by Tiglas Engineering. City Manager Caskie believes the charge is for the HVAC system review for the Animal Shelter.

Roll call vote on the Consent Calendar as amended with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was a proclamation for FFA Week.

Councilwoman Rowley read the proclamation which follows in its entirety:

PROCLAMATION

WHEREAS, The FFA and agricultural education provide a strong foundation for the youth of America and the future of the food, fiber and natural resources systems; and

WHEREAS, The FFA promotes premier leadership, personal growth and career success among its members; and

WHEREAS, Agricultural education and the FFA ensure a steady supply of young professionals to meet the growing demands in the science, business and technology of agriculture; and

WHEREAS, The FFA motto – “learning to do, doing to learn, earning to live, living to serve” – gives direction of purpose to these students who take an active role in succeeding in agricultural education; and

WHEREAS, The FFA promotes citizenship, volunteerism, patriotism and cooperation.

NOW, THEREFORE, On behalf of the Mayor and Members of the City Council of the City of Alliance, I do hereby proclaim the week of February 20 through 27, 2010 as

FFA WEEK

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 18th day of February in the year of the Lord Two Thousand Ten.

The proclamation was presented to Saige Henderson and Hayley Loch.

- The presentation of the Alliance Police Department Accreditation was the next item before Council.

February 18, 2010

Police Chief Alex Moreno of Scottsbluff, NE and Police Chief Tim Lordino of Chadron, NE made the presentation to Chief John Kiss and the Alliance Police Department on behalf of the Police Chief's Association of Nebraska in recognition of outstanding achievement and renew of PECAN Accreditation.

- The second reading of Ordinance No. 2658 regarding a Municipal Code amendment prohibiting open burning.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to approve Ordinance No. 2658 on second reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2658

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY ADDING SECTION 412 ARTICLE 4 AT CHAPTER 6, RELATING TO PROHIBITING OPEN BURNING; TO PERMIT THE USE OF SPECIALLY DESIGNED DEVICES FOR COOKING AND OPEN BURNING FOR ENTERTAINMENT; 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 Nebraska State Statutes prohibit open burning in the State but allows cities of the first class to regulate burning within the city.

SECTION 2. The City of Alliance desires to permit citizens to utilize specialized equipment for the containment of small fires for cooking or entertainment; subject to rules and regulations.

SECTION 3. The Alliance Municipal Code at Chapter 6, shall be amended to include the addition to Article 4, Section 6-412.01 to Section 6-4 as follows:

6-412.01 OPEN BURNING PROHIBITED.

Except as provided in the Alliance Municipal Code, or in the Nebraska Revised Statutes it shall be unlawful for any person, firm, or corporation to burn or cause to be burned any material, item or thing within the Alliance City limits. It shall be unlawful for any person, firm or corporation to start, ignite, maintain, or permit any open burning except with a properly issued permit or as provided in this section.

6-412.02 OPEN BURNING DEFINED.

For the purposes of this section, the following items shall have the meanings indicated. Any word which is not expressly defined herein shall have the meaning as provided by the

February 18, 2010

International Fire Code. Any word not defined by this section or the International Fire Code shall have the definition customarily prescribed to said words.

1. Open Burning using fire to burn material which is not contained within a fully enclosed firebox or structure and from which the products of combustion are permitted directly to the open atmosphere without passing through an appropriate stack, duct or chimney.
2. Charcoal fires, or fires of other commonly accepted cooking fuels, which are contained within a hibachi, grill, smoker or gas grill, do not constitute opening burning.

6-412.03 EXCEPTION OPEN BURNING AND FIRES PERMITTED.

The burning of dry wood in a small container manufactured for the purpose of containing small recreational fires is permitted on the property of one- or two-family residential dwellings, in accordance with the following rules and regulations:

- a) The burning must be conducted in a noncombustible container sufficiently vented to include adequate primary combustion air with enclosed sides, a bottom, and a mesh covering with openings not larger than $\frac{1}{4}$ inch square.
- b) Such fires shall be under constant supervision while burning.
- c) The fire and/or burning must be of such limited size as to allow the person in charge to have complete control over it.
- d) The fire and/or burning must not create a nuisance or a hazard to the health or the safety of persons or property in the area. Any fire which produces smoke that is a nuisance shall be extinguished.
- e) The burning of garbage, trash, leaves or other refuse shall not be permitted.
- f) The burning or igniting of highly flammable, toxic or explosive materials shall not be permitted.
- g) Any person, firm or corporation may ignite and maintain any burning which is necessary for the usual and customary preparation and/or cooking of food, including the use of normal barbecuing devices without obtaining a permit. Normal barbecuing devices shall be limited to hibachis, grills, and smokers.

6-412.04 FIRE CHIEF AUTHORITY.

The Fire Chief or designee is authorized to order the extinguishment by the attendant in charge or by the Fire Department of any burning that creates or adds to a hazardous or objectionable situation or is in violation of any of the rules and regulations of the Alliance Municipal Code or the Nebraska Revised Statutes.

February 18, 2010

6-412.05 PENALTY.

Any person who violates the provisions of 6-412.01, 6-412.02, 6-412.03, or 6-412.04 shall be deemed guilty of a misdemeanor and shall be fined pursuant to Chapter 12, Article 1 of this Code.

SECTION 4. That current applicable City Codes of the City of Alliance, Nebraska, and all other ordinances or parts of ordinances 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.

Motion by Councilman Kusek, seconded by Councilman Benzel to suspend the statutory rule requiring three separate readings of Ordinance No. 2658.

Roll call vote to waive the statutory reading with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2658 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, "the passage and adoption of Ordinance No. 2658 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- A public hearing on the Class I Liquor License Application of Sam & Willie, L.L.C. dba Sam & Louie's Pizzeria located at 1313 West 3rd Street, Alliance, NE was the next item to be heard by Council. Mayor Yeager declared, "Now is the date, time and place to conduct a public hearing on the Class I Liquor License Application of Sam & Willie, L.L.C. dba Sam and Louie's Pizzeria located at 1313 West 3rd Street, Alliance, NE." The public hearing opened at 7:17 p.m. Will Hall, 723 W. 14th Street, Alliance, NE addressed Council indicating the Sam and Louie's franchise typically serves alcoholic beverages and they would like to provide beer and wine selections. The public hearing was closed at 7:19 p.m.

February 18, 2010

Motion by Mayor Yeager, seconded by Councilman Benzel to approve Resolution No. 10-19 which follows in its entirety:

RESOLUTION NO. 10-19

WHEREAS, The City of Alliance has received a notice and copy of an application for a Retail Class I Liquor license submitted by Sam & Willie LLC, dba. Sam & Louie's Pizzeria; and

WHEREAS, The Alliance City Council has held a public hearing as provided for by law within forty-five days after the date of receipt of the notice from the Nebraska Liquor Control Commission with the application; and

WHEREAS, Notice of such hearing was given as provided by law; and

WHEREAS, At such hearing, evidence was received by the Council bearing upon the propriety of the issuance of such license; and

WHEREAS, The cost of published notice for the application is \$8.83.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that the City Council does recommend the issuance of a Retail Class I Liquor License to Sam & Willie LLC, dba Sam & Louie's Pizzeria to be located at 1313 West Third Street, in Alliance, Nebraska.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- A public hearing on the Class D Liquor License Application of Darlene M. Mady, dba Darlene's Hitching Post located at 423 East 3rd Street in Alliance, NE was the next agenda item. Mayor Yeager declared, "Now is the date, time and place to conduct a public hearing on the Class D Liquor License Application of Darlene M. Mady, dba Darlene's Hitching Post located at 423 East 3rd Street in Alliance, NE." The public hearing opened at 7:20 p.m. Darlene Mady, C-23 Meadows, Alliance, NE addressed Council and described the plans she had for the business. The public hearing was closed at 7:23 p.m.

Motion by Mayor Yeager, seconded by Councilman Benzel to approve Resolution No. 10-20 which follows in its entirety:

RESOLUTION NO. 10-20

February 18, 2010

WHEREAS, The City of Alliance has received a notice and copy of an application for a Retail Class D Liquor license submitted by Darlene M. Mady, dba Darlene's Hitching Post; and

WHEREAS, The Alliance City Council has held a public hearing as provided for by law within forty-five days after the date of receipt of the notice from the Nebraska Liquor Control Commission with the application; and

WHEREAS, Notice of such hearing was given as provided by law; and

WHEREAS, At such hearing, evidence was received by the Council bearing upon the propriety of the issuance of such license; and

WHEREAS, The cost of published notice for the application is \$8.50.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that the City Council does recommend the issuance of a Retail Class D Liquor License to Darlene M. Mady, dba Darlene's Hitching Post, to be located at 423 East Third Street, in Alliance, Nebraska.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 10-21 granting approval of the One & Six Year Street Improvement Plans was the next item brought before Council. Mayor Yeager declared, "Now is the date, time and place to conduct a public hearing on the City of Alliance Street Improvement One and Six Year Plans." The public hearing opened at 7:25 p.m. Public Facilities Director Eric Lenz addressed Council and gave a brief explanation of the Street Improvement Plan. Rachel Gonzalez, 735 Homestead, Alliance, NE addressed Council about the absence of No Through Truck signage on Potash Avenue and the possibility of a patch repair on either side of the underpass. Mayor Yeager closed the public hearing at 7:47 p.m.

Motion by Mayor Yeager, seconded by Councilman Benzel to approve Resolution No. 10-21 which follows in its entirety:

RESOLUTION NO. 10-21

WHEREAS, The Nebraska law requires that the City of Alliance develop and file with the Board of Public Roads, Classifications, and Standards, a long range six year plan of highway, road and street improvements; and

WHEREAS, Such plan must be extended annually on or before the anniversary date; and

February 18, 2010

WHEREAS, City staff has prepared a One and Six Year Plan to meet these legal requirements; and

WHEREAS, The plan has been submitted to Council and examined by the City Council at a regular meeting conducted on February 18th 2010.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the One and Six Year City Street Improvement Plan prepared by the City of Alliance Department of Public Facilities is hereby approved, and the City staff is authorized to forward the Plan to the Board of Public Roads, Classifications, and Standards.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's review was Resolution No. 10-22 authorizing an Independent Contractor Agreement for a Golf Course Golf Professional with Brian Jerred.

Motion by Councilman Rowley, seconded by Councilman Feldges to approve Resolution No. 10-22 which follows in its entirety:

RESOLUTION NO. 10-22

WHEREAS, The City of Alliance operates the Alliance Municipal Golf Course; and

WHEREAS, As a result of the resignation of the Golf Administrator the City advertised for a Golf Professional to replace the Golf Administrator; and

WHEREAS, Staff and the Golf Course Advisory Board reviewed the applications and completed the process to select a replacement for the Golf Administrator; and

WHEREAS, Staff and the Golf Course Advisory Board recommend that City Council approve the hiring of Golf Professional Brain Jerred under the terms of the contract which is included with Council's packets; and

WHEREAS, The Mayor and City Council deem it expedient to employ a Golf Professional to operate the Alliance Municipal Golf Course; and

WHEREAS, The Mayor and City Council believe that it is in the best interest of the City of Alliance to hire Brian Jerred under the terms and conditions of the proposed Independent

February 18, 2010

Contractor Agreement for Golf Course Professional between Brian Jerred and the City of Alliance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to sign an Independent Contractor Agreement for Golf Course Professional between Brian Jerred and the City of Alliance to provide for professional services for operation and oversight of the Alliance Municipal Golf Course.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be discussed by Council was Resolution No. 10-23 awarding the Golf Course Irrigation Well Project to Sargeant Drilling of Broken Bow, NE in the amount of \$111,020.00.

Motion by Councilman Kusek, seconded by Councilman Feldges to approve Resolution No. 10-23 which follows in its entirety:

RESOLUTION NO. 10-23

WHEREAS, The City of Alliance has authorized competitive quotes to obtain bids for replacement of the Golf Course Irrigation Well at the Alliance Municipal Golf Course; and

WHEREAS, Two (2) Invitations were issued, and two (2) responses were received; and

WHEREAS, The bid of Charles Sargent Irrigation, Inc., a Nebraska Corporation, of Broken Bow, Nebraska appears to be the lowest, responsive, and responsible bid; and

WHEREAS, Staff is recommending that the City accept the bid for Option One for the bid price of One Hundred Eleven Thousand Twenty and No/100ths (\$111,020.00) Dollars because it will allow the City to use the existing structure for most all the equipment and staff believes that it will reduce costs over the long term.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, the contract for the Golf Course Irrigation Well is hereby awarded to Charles Sargent Irrigation, Inc., of Broken Bow, Nebraska in an amount of One Hundred Eleven Thousand Twenty and No/100ths (\$111,020.00) Dollars, which is the bid for Option Number One (1).

BE IT FURTHER RESOLVED, that the Mayor is authorized to sign a contract with Charles Sargent Irrigation, Inc., for drilling and installation of the Golf Course Irrigation Well according to their bid for Option Number One (1).

February 18, 2010

BE IT FURTHER RESOLVED, that the Cultural & Leisure Services Director is authorized to make field change orders not to exceed five percent (5%) of the total contract amount without further Council approval.

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

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Benzal, Feldges.

Voting Nay: None.

Motion carried.

- The next item for Council's consideration was Resolution No. 10-24 authorizing the purchase of a 2010 Ford Crown Victoria through the State of Nebraska contract for the Alliance Police Department.

Motion by Councilman Feldges, seconded by Councilwoman Rowley to approve Resolution No. 10-24 which follows in its entirety:

RESOLUTION NO. 10-24

WHEREAS, The City of Alliance Police Department had on their capital improvements for the Second quarter of 2010, the purchase of one marked police vehicle; and

WHEREAS, The State of Nebraska has let bids for patrol vehicles and the lowest responsible bidder is Tinch Ford Mercury of Plattsmouth, Nebraska under contract number 12610-OC in the amount of Twenty Four Thousand Two Hundred Eighteen and No/100ths Dollars (\$24,218.00); and

WHEREAS, The City of Alliance contacted the local vendor and the local vendor was not interested in bidding on the patrol vehicle this year; and

WHEREAS, The new patrol vehicle will need to have emergency lights, switches, video camera and prisoner partition installed; and

WHEREAS, Commsource Inc., has provided a quotation of Five Thousand Sixty-Six and 34/100ths Dollars (\$5,066.34) for the purchase and installation of the necessary emergency equipment; and

WHEREAS, The Alliance Police Department has the funds in its budget and requests that Council approves the purchased of one 2010 Ford Crown Victoria marked police vehicle and the purchase and installation of the necessary emergency equipment.

February 18, 2010

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that City Manager Pamela S. Caskie be and hereby is authorized to enter into a contract for the purchase of one 2010 Ford Crown Victoria marked police vehicle from Tincher Ford Mercury of Plattsmouth, Nebraska under contract number 12610-OC in the amount of Twenty Four Thousand Two Hundred Eighteen and No/100ths Dollars (\$24,218.00).

BE IT FURTHER RESOLVED, that the Police Chief John Kiss is authorized to enter into a contract with Commsource, Inc., for the purchase and installation of the emergency equipment as set forth in their bid dated February 1, 2010 in the amount of Five Thousand Sixty-Six and 34/100ths Dollars (\$5,066.34).

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 10-25 approving the remaining sections of the Airport Minimum Standards was the next item to be discussed by Council.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to approve Resolution No. 10-25 which follows in its entirety:

RESOLUTION NO. 10-25

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

WHEREAS, In accordance with the Federal Aviation Administration grant assurances and sound airport operational practices, the City Council has adopted Minimum Standards and Regulations; and

WHEREAS, The purpose of the Minimum Standards is to establish acceptable qualifications of participants, level and quality of service and other conditions which will be required of those proposing to conduct commercial aeronautical activities at the airport; and

WHEREAS, The Minimum Standards serve to promote safety in all airport activities, protect airport users from unlicensed and unauthorized products and services, maintain and enhance the availability of adequate service while airport users, promote the orderly development of airport land, and assure efficiencies of operations; and

WHEREAS, City Council has reviewed the Airport Minimum Standards for the Alliance Municipal Airport, including the following:

February 18, 2010

Table of Contents

Introduction

Definitions

Section 1:	Policy, Applicability and Amendments,
Section 2:	Minimum Standards for All FBO/SASO Activities,
Section 3:	Application Qualification for FBO/SASO
Section 4:	Action on Application
Section 5:	Fixed Base Operator (FBO)
Section 6:	General Aviation Operations Supervisor
Section 7:	Aircraft Fueling Services
Section 8:	Specialized Aviation Service Operator (SASO)
Section 9:	Aircraft Maintenance Repair
Section 10:	Avionics Repair Station
Section 11:	Air Taxi and Charter Operations
Section 12:	Flight Training
Section 13:	Aircraft Rental
Section 14:	Aircraft Sales
Section 15:	Air Cargo
Section 16:	Aerial Spraying
Section 17:	Specialized Commercial Aviation Services
Section 18:	Flying Club
Section 19:	Rental Car Business
Section 20:	Independent Rental Car Business
Section 21:	Minimum Construction and Design Standards
Appendix A:	Alliance Municipal Airport Lease Application
Appendix B:	Alliance Municipal Airport Minimum Insurance Requirements

and believes them to be in the best interest of the City of Alliance and those who utilize the Alliance Municipal Airport.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the Alliance Municipal Airport Minimum Standards, are hereby approved and adopted effective March 1, 2010, as the Alliance Municipal Airport Minimum Standards of the City of Alliance.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be brought before Council was Resolution No. 10-26 authorizing the lease of Building 3201 at the Alliance Municipal Airport to Rust Enterprises, L.L.C., dba Rust Vegetation Management.

February 18, 2010

Motion by Councilwoman Rowley, seconded by Councilman Benzel to approve Resolution No. 10-26 which follows in its entirety:

RESOLUTION NO. 10-26

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

WHEREAS, There are buildings which are available for lease to the public; and

WHEREAS, Building 3201 is vacant and on several occasions the City has advertised for a tenant but did not receive any bids; and

WHEREAS, Rust Enterprises, L.L.C., d/b/a Rust Vegetation Management has offered to lease Building 3201 under the terms of the Building Lease which is included in the Council's packet; and

WHEREAS, Staff believes that the terms and provisions of the Building Lease Agreement are fair and equitable and in the City's best interest; and

WHEREAS, City Council agrees that it is in the best interest of the City of Alliance and the Alliance Municipal Airport to enter into a one year lease agreement with automatic six month renewals with Rust Enterprises, L.L.C., d/b/a Rust Vegetation Management in the initial amount of Six Thousand and No/100ths Dollars (\$6,000.00) per year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to execute, on behalf of the City of Alliance, the Building Lease for Building 3201 with Rust Enterprises, L.L.C., d/b/a Rust Vegetation Management.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The last item to be brought before Council was Resolution No. 10-27 which will place language on the primary election ballot regarding the prohibition of the addition of fluoride to the City's water system.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Resolution No. 10-27 which follows in its entirety:

RESOLUTION NO. 10-27

February 18, 2010

WHEREAS, Nebraska Revised Statutes § 71-3305 requires any city with a population of one thousand or more to add fluoride to the city's water system; and

WHEREAS, Section 71-3305 allows the voters of a city to vote to adopt an ordinance before June 1, 2010, to prohibit the addition of fluoride to the city water system; and

WHEREAS, Section 71-3305 authorizes the governing body to place the ordinance to prohibit the addition of fluoride to the city water system on the ballot; and

WHEREAS, The Mayor and City Council of the City of Alliance, Nebraska, have determined that there is interest in determining whether fluoride should be added to the city's water system.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska that at the primary election to be held on Tuesday, May 11, 2010, the issue of whether the City of Alliance, Nebraska, should adopt or reject an ordinance to prohibit the addition of fluoride to the City water system shall be submitted to the qualified electors of the City and to be presented in the following form:

Shall the City of Alliance, Nebraska, adopt an ordinance to prohibit the addition of fluoride to the City's water system?

Yes (Voting "yes" would prohibit the City from adding fluoride to the water system, in the event that naturally existing levels drop below minimal Nebraska Department of Health requirements.)

No (Voting "no" would require the City to add fluoride to the public drinking water, in the event that naturally existing levels drop below minimal Nebraska department of Health requirements.)

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to certify a copy of this resolution to the election commissioner/county clerk at least fifty days prior to the election.

BE IT FURTHER RESOLVED That the City agrees to reimburse the election commissioner/county clerk for the expenses of conducting the election, as required by law.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Benzal, Feldges.

Voting Nay: None.

Motion carried.

- City Manager Caskie announced the Municipal Building lobby will be closed on February 22 and February 23, 2010 while it is being painted; and the final inspection for the exhibits at the Knight Museum and Sandhills Center has been completed. The Night at the Museum: Sneak Peek will take place on February 27, 2010 and the Ribbon Cutting will be held on March 1, 2010.

February 18, 2010

- Mayor Yeager stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:37 p.m.”

Ralph Yeager, Mayor

(SEAL)

Linda S. Jines, City Clerk