

August 5, 2010

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, AUGUST 5, 2010

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

The Alliance City Council met in a Regular Meeting, August 5, 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 July 29, 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 August 5, 2010 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Yeager, Council Members Kusek, Benzel, Rowley and Feldges. Also present were Interim City Manager 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 Benzel, seconded by Mayor Yeager to approve the Consent Calendar which follows in its entirety:

CONSENT CALENDAR – AUGUST 5, 2010

1. Approval: Minutes of the Regular Meeting, July 15, 2010.
2. Approval: Payroll and Employer Taxes for the period June 26, 2010 through July 9, 2010 inclusive: \$172,900.50 and \$12,286.17 respectively; and for the period July 10, 2010 through July 23, 2010 inclusive: \$167,214.31 and \$12,296.46 respectively.

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3. Approval: Claims against the following funds for the period July 12, 2010 through July 30, 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; \$1,341,479.07.
4. Approval: To transfer \$3,500.00 from the Parks Capital Line Item 42-71-71-59-950 to purchase a snow pusher attachment for the bobcat. The funds are available as the bat wing mower purchase with a trade-in was lower than anticipated. If this request is approved there will be \$4,000.00 remaining in the line item.
5. Approval: Issuance of a Cemetery Certificate to Bill Reiling for Lot Five (5), Section Four (4), Block Twenty-eight (28), Fourth Addition to the Alliance Cemetery.
6. Approval: The issuance of the following Contractor licenses:

Repair & Maintenance	Cully S. Cangelosi dba Cangelosi Enterprises, LLC Gary Dunn dba RSGC Roger Cox dba All About Roofing Doug Litz dba DL Exteriors, Inc. Aspen Exteriors, Inc.
Master Plumber/Gas Fitter	Joe Weber dba Weber Plumbing
Cement and Masonry	Beaumont-Ries Construction, Inc.

NOTE: Interim City Manager Miller 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.

Councilman Benzel questioned the purchase of a notebook computer in the Electric Department. Interim City Manager Miller explained this is a replacement for an older model that needed replaced. Councilwoman Rowley questioned the purchase of two mailboxes for the Alliance Police Department. City Clerk Jines surmised that the department required two mailboxes for the amount of slots needed for employees. Mayor Yeager asked about a small charge to Williams Jewelers for badge cleaning. Mr. Miller offered to inquire about the charge and its necessity. Councilman Kusek asked why the City is purchasing mulch rather than utilizing the recycled product available at the landfill. Cultural and Leisure Services Director Brown advised Council that it holds up better and provides a better weed barrier in areas with a large amount of vegetation. He also asked if the boring projects listed in the Electric Department were part of the Lakefield Boring Project. Mr. Miller advised Council that some of the boring is occurring on 5th Street and Box Butte. Mr. Kusek questioned airport runway repair and a charge to a law firm. Public Facilities Director Eric Lenz advised Council there was a large heave in the apron of the runway. Mr. Miller explained that Mr. Hernandez filed a claim in the Federal Court of Claims. An attorney who is licensed to practice before the court was needed and the cost will be shared by the County. Councilman Feldges asked about a charge to K.L. Wood Company. Water Superintendent Hulquist explained that money is still owed to them for Well No. 7. He also asked about vests for the Police Department. Finance Director Benton advised Council there is grant money to reimburse the cost.

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Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was a proclamation for Community Support of the Veteran's Cemetery Dedication.

Mayor Yeager read the proclamation which follows in its entirety:

Proclamation

WHEREAS, This coming week of Sunday, August 8th through Saturday, August 14th will be proclaimed a week of recognition and celebration in honor of the Nebraska Veterans Cemetery at Alliance Dedication. America was founded on the principles of liberty, opportunity, and justice for all, and during this week, we recognize the men and women of our Armed Forces who have valiantly defended these values throughout our Nation's history. These remarkable individuals have helped to make our Nation, secure and advance the cause of freedom worldwide. By answering the call of duty and risking their lives to protect their fellow countrymen, these patriots have inspired our Nation with their courage, compassion, and dedication; and

WHEREAS, There are currently more than 25 million living American veterans, many of whom put their lives on the line to preserve our freedoms. Our veterans served on the land, at sea, and in the air, from the shores of Omaha Beach and the jungles of Vietnam, to the sands of the Persian Gulf, the mountains of Afghanistan, and many other battlefields around the globe. Through each of these challenges, the members of the Army, Navy, Air Force, Marines, and Coast Guard have protected our country and liberated millions of people around the world from the threats of tyranny and terror; and

WHEREAS, Our proud veterans have also helped to shape the American character. They have given us an extraordinary legacy of patriotism and honor, and their service represents the highest form of citizenship. To honor these humble patriots, I ask all residents and businesses of Alliance to observe August 8th through August 14th, 2010 by flying the United States Flag and decorating in patriotic themes.

NOW, THEREFORE, I, Ralph Yeager, Mayor of Alliance, Nebraska hereby declare the week of August 8th through the 14th as:

Nebraska Veteran's Cemetery Dedication Week

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A week of celebration and honor in the name of all veterans, living and departed, that have served our country. This will be a week to honor the dedication of the Nebraska Veterans Cemetery at Alliance on Friday, August 13th. The culmination of many hours of volunteerism and dedication by many area people has given us the result of an austere and honorable resting place for our veterans. I urge all Alliance residents to recognize the valor and sacrifice of our veterans through attending the dedication ceremony Friday, August 13th at 11:00 am at the Alliance Airport grounds.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 5th day of August in the year of the Lord Two Thousand Ten.

The proclamation was presented to Councilman Dan Kusek for his efforts in the creation of the Nebraska Veteran's Cemetery at Alliance.

- The next item on Council's agenda was a presentation on the Proposed 2010-2011 Budget.

Finance Director Shawn Benton provided Council with a brief overview of the Proposed 2010-2011 Budget.

Mayor Yeager declared, "Now is the date, time and place to conduct a Public Hearing on the Proposed 2010-2011 Budget for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers." Mayor Yeager opened the public hearing at 7:16 p.m. Hearing no testimony, the public hearing was closed at 7:17 p.m.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to approve Ordinance No. 2665 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2665

AN ORDINANCE TERMED "THE ANNUAL APPROPRIATION BILL" TO PROVIDE REVENUE FOR MUNICIPAL PURPOSES OF THE CITY OF ALLIANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011, BY IMPOSING A TAX ON ALL PROPERTY WITHIN THE CITY, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS.

WHEREAS, The City Manager, in accordance with the requirements of Chapter 1, Article 2, Section 1-205, of the Municipal Code of the City of Alliance, Nebraska, has submitted to the City Council a preliminary budget. This preliminary budget being submitted to the City Council on July 6, 2010, upon which a workshop was held on July 12, 2010 and a proposed budget was produced. A public hearing will be held on said proposed budget on August 5, 2010, as required by law; and

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

SECTION 1. The budget for the fiscal year beginning October 1, 2010, submitted to and amended by the City Council, is hereby adopted.

SECTION 2. In order to provide revenue for municipal purposes, the following property tax revenues have been established for the City of Alliance:

	CITY	MFO	AIRPORT	PUBLIC SAFETY	AIRPORT SINKING	TOTAL
Budget Amount	900,000	100,000	90,000	100,000	30,000	1,220,000
1% Treasures Fee	9,000	1,000	900	1,000	300	12,200
Delinquent Allowance (5%) (can be up to 5%)	45,000	5,000	4,500	5,000	1,500	61,000
<hr/>						
Total Property Tax Request:	954,000	106,000	95,400	106,000	31,800	1,293,200

Using the following
tax levies:

	CITY	MFO	AIRPORT	PUBLIC SAFETY	AIRPORT SINKING	TOTAL
Proposed 2010	0.27642	0.03393	0.03140	0.03000	0.01210	0.38385

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SECTION 3. In accordance with Reissue Revised Statutes Nebraska Chapter 16, Section 704, the following amounts shall be and hereby are recognized as the budget for the City of Alliance, Nebraska for the fiscal year 2011.

General Fund	5,425,146
Electric	8,226,454
Refuse	992,823
Sewer	358,833
Water	1,606,668
Golf Course Fund	287,865
Airport	1,242,486
Street Fund	2,182,830
RSVP	84,697
Museum Exhibit Fund	0
Special Use - BID #1	4,850
Special Use - BID #2	6,300
Nuisance Clean Up	0
HUD	200,000
Community Betterment (KENO)	69,300
Economic Development	70,000
LB 840 Fund	98,400
Redevelopment	6,000
Marketing	40,000
Capital Projects	558,000
Capital Equipment	388,237
General Internal Service	1,317,792
Enterprise Internal Service	471,680
Health Support Internal Service	1,649,923
General Debt Service	96,200
<i>Gross Expenditures</i>	<u>25,384,484</u>

There is hereby included \$75,000 within the General Fund Budget [City Council Activity], \$80,000 within the Electric Fund, \$50,000 within the Water Fund, \$25,000 within the Sewer Fund, \$10,000 within the Refuse Fund, \$5,000 within the Airport Fund, \$100.00 within the Special Use Bid #1 Fund, \$100.00 within the Special Use Bid #2 Fund, \$5,000 within the Community Betterment Fund, and \$50,000 within the Streets Fund to be known as "Contingency." Expenditures from any Contingency will not be authorized without an affirmative vote of the City Council for each amount to be expended.

SECTION 4. The City has a total of Unused Restricted Funds Authority of \$1,598,747.19 for Fiscal Year 2010.

SECTION 5. The tax levied under this Ordinance shall become due and payable, shall become delinquent and shall be subject to penalties, the execution of distress warrants and sale of property levied upon as provided by law.

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SECTION 6. The City Clerk is hereby authorized and directed forthwith upon the passage, approval and publication of this Ordinance to forward a certified copy thereof to the County Clerk of Box Butte County, Nebraska.

SECTION 7. This Ordinance shall become effective October 1, 2010.

Councilman Kusek asked if the money for the Downtown Improvement District was coming from their fund balance or the General Fund fund balance. Finance Director Benton advised Council the money is from the Downtown Improvement District fund balance.

Motion by Councilman Kusek, seconded by Councilman Benzel to amend Ordinance No. 2665 by including Amendments 1, 2 and 3.

- 1) Move \$25,000 from Extraordinary & Unusual Cont. (01-10-10-47795) to Water-Sewage (01-71-71-44-442).

The budget for water in parks did not get entered due to a miscommunication between the parks department and the water department. Each thought the other had budgeted for this line item. This has zero effect on the overall budget.

- 2) Move the following from Library to Museum:

	Move from Library		Move to Museum	
Salaries	01-71-77-71-111	\$21028.80	01-71-77-71-111	\$21028.80
FICA	01-71-77-42-211	\$1303.79	01-71-77-42-211	\$1303.79
Medicare	01-71-77-42-212	\$304.92	01-71-77-42-212	\$304.92
Workers Comp	01-71-77-42-213	\$82.01	01-71-77-42-213	\$82.01

Department head would like to reduce one position at the Library and add the same or similar position to the Museum. This has a zero effect on the overall budget.

- 3) Change BID budget per request of Boards:

BID # 1			
		Change From	Change To
Profess Arch Svs	28-61-67-43-335	\$1600	\$1600
Legal Public Notices	28-61-67-44-431	\$25	\$50
Mail, Delivery	28-61-67-44-436	\$25	\$50
Other Supplies	28-61-67-45-526	\$100	\$10000
Other Promotions	28-61-67-46-678	\$3000	\$3000
Contingency	28-61-67-47-791	\$500	\$500
Total		\$4850	\$15200

This leaves a net change of \$10,350 and would require that \$9,900 be obtained from fund balance. The current fund

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balance for BID #1 is \$13,059.62. If all monies were spent as budgeted the fund balance at the end of next year will be \$3,159.62.

BID #2			
		Change From	Change To
Contract Grounds Maint.	28-61-68-43-371	\$2800	\$2800
Legal Public Notices	28-61-68-44-431	\$100	\$50
Mail, Delivery	28-61-68-44-436	\$100	\$50
Other Supplies	28-61-68-45-426	\$200	\$4600
Trees	28-61-68-45-572	\$1500	\$1500
Plants	28-61-68-45-573	\$1500	\$1600
Contingency	28-61-68-47-791	\$100	\$200
Total		\$6300	\$10800

This leaves a net change of \$4,500 and would require that \$6,962 be obtained from fund balance. The current fund balance for BID #2 is \$11,327.07. If all monies were spent as budgeted the fund balance at the end of next year will be \$4,365.07. The changes to BID will have add a total of \$14850 to the overall budget.

Roll call vote on the amendments with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote on the first reading of Ordinance No. 2665 with the following results:

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

Voting Nay: None.

Motion carried.

- The final reading of Ordinance No. 2663 approving the rezoning request of West Plains Company was the next order of business.

Motion by Councilwoman Rowley, seconded by Councilman Benzel to approve Ordinance No. 2663 on third reading. City Clerk Jines read the ordinance by title which followed in its entirety:

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ORDINANCE NO. 2663

AN ORDINANCE AMENDING THE MUNICIPAL CODE, ORDINANCE NO. 1890, SPECIFICALLY 10-302, THE ZONING DISTRICT MAP, BY AMENDING THE ZONING OF CERTAIN PARCELS OF LAND AS DESCRIBED HEREIN FROM AGRICULTURAL (A) TO RAILROAD INDUSTRIAL (M-3).

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

SECTION 1. The City of Alliance has zoning authority pursuant to law which provides procedures for changing the zoning designation of certain parcels of property.

SECTION 2. The application of the City of Alliance, Nebraska, has been received, which requests rezoning of certain parcels of real estate from Agricultural (A) to Railroad Industrial (M-3). The description of the real estate requested to be rezoned is as follows:

All that part of the NE $\frac{1}{4}$, Section 22, Township 25 North, Range 48, west of the 6th P.M., Box Butte County, Nebraska, lying east of the C B & Q Railroad, now Burlington Northern Santa Fe Railroad right of way.

and

The E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 22, Township 25 North, Range 48, west of the 6th P.M., Box Butte County, Nebraska, lying east of the C B & Q Railroad, now the Burlington Northern Santa Fe Railroad right of way.

SECTION 3. Notice has been mailed, published, and posted as required by law regarding the proposed change prior to a public hearing held by the Planning Commission. Fourteen property owners were mailed notice. Four responses were in favor, two responses were opposed because they were concerned that the road would not support the traffic; the change would increase their property tax valuation and property taxes.

SECTION 4. After a public hearing held before the Alliance Planning Commission, the Planning Commission recommended approval of the proposed zoning.

SECTION 5. Notice has been given as provided by law for a public hearing by the Alliance City Council, and such a hearing was conducted on July 1, 2010.

SECTION 6. The City Council finds that the proposed zoning change is appropriate for consistent zoning within the zoning jurisdiction of the City of Alliance, Nebraska, and is consistent with the Comprehensive Plan as adopted by the City of Alliance.

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SECTION 7. The parcels described herein at paragraph number 2 of this ordinance are hereby rezoned from Agricultural (A) to Railroad Industrial (M-3) as of the effective date of this ordinance.

SECTION 8. Changes to the authentic zoning district map on file in the Planning Commission office shall be made by city staff to reflect this change in zoning designation.

SECTION 9. This ordinance shall be in full force and effect after its passage, approval, and publication according to law.

Morey Cade, 4800 Main Street, Suite 274, Kansas City, MO, Director of Operations of West Plains Company addressed Council. He indicated that his company has had contact with the Nebraska Department of Roads regarding turning lanes and improvements to Madison Road from the railroad track to Highway 87. Part of the complete project is building a small rail loading station in Chadron, NE which is designed to bring 42 car trains down to Alliance and off load them at this facility, so the majority of the grain will be arriving by railcar. Community Development Director Rick Houck advised Council that Box Butte County asked him to research the possibility of obtaining grant funding to facilitate the improvements to Madison Road which will have to be concrete or asphalt.

Roll call vote on the final reading of Ordinance No. 2663 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. 2663 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The next item for Council's consideration was Resolution No. 10-90 approving a Special Designated Liquor License to Sam & Willie, LLC.

Motion by Councilman Benzel, seconded by Councilman Kusek to approve Resolution No. 10-90 which follows in its entirety:

RESOLUTION NO. 10-90

WHEREAS, The City Clerk has received an application of Sam & Willie, LLC for a special designated license pursuant to the Nebraska Liquor Control Act; and

WHEREAS, Said act requires the approval of applications by the local governing body prior to such a license being issued by the Nebraska Liquor Control Commission; and

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WHEREAS, The application appears to be complete and meet the statutory requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Application for Special Designated License of Sam & Willie, LLC, for August 21, 2010 is hereby approved for the premises described in the application, and the City Clerk shall inform the Nebraska Liquor Control Commission of the approval of the application, and the Clerk shall deliver the license issued by said Commission to the permittee upon receipt of the required fees.

Will Hall, 723 W. 14th Street, addressed Council explaining that from 11:00 a.m. to 4:00 p.m. kid's activities will be provided. At approximately 7:00 p.m. a dance and beer garden will begin for the adults. City Clerk Jines asked if the beer trailer and beer garden area will be fenced the entire time. Mr. Hall indicated that it would be fenced off separately.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 10-91 offering veteran's a complimentary green fee with the purchase of a green fee at regular price as part of the Veteran's Cemetery Dedication Ceremony was the next item for Council's consideration.

Motion by Councilman Feldges, seconded by Councilwoman Rowley to approve Resolution No. 10-91 which follows in its entirety:

RESOLUTION NO. 10-91

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

WHEREAS, The Veterans Cemetery Dedication is scheduled for August 13, 2010; and

WHEREAS, Staff is recommending that as a demonstration of the City's appreciation for the sacrifices made by veterans, all veterans be eligible to purchase one green fee and receive one complimentary green fee at no charge during the dedication of the Veterans Cemetery from August 12, 2010 through August 15, 2010; and

WHEREAS, The City Council agrees that it is appropriate to show our appreciation to the veterans for their sacrifice in serving our country by authorizing staff to give Veteran's one complimentary green fee with the purchase of a green fee at regular price during the Veterans Cemetery Dedication.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that staff is authorized to offer to all veterans the ability to purchase one green fee at the regular price and receive the second green fee at no charge during the Veterans Cemetery Dedication scheduled for August 12, 2010, through August 15, 2010.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next matter to be taken under advisement was Resolution No. 10-92 authorizing the use of \$6,519.75 from City Council Contingency to pay for the removal of the historic cottonwood tree east of the fountain in Central Park.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to approve Resolution No. 10-92 which follows in its entirety:

RESOLUTION NO. 10-92

WHEREAS, Due to a storm, the old cottonwood tree near the fountain at Central Park was destroyed; and

WHEREAS, For the safety of the public the cottonwood tree had to be removed; and

WHEREAS, The Parks Department had not budgeted funds for the removal of the cottonwood tree; and

WHEREAS, There are funds available in the City Council Contingency funds; and

WHEREAS, The Parks Department is requesting a transfer from City Council Contingency funds in the amount of Six Thousand Five Hundred Nineteen and 75/100ths Dollars (\$6,519.75) to the Parks division budget for the cottonwood tree remove; and

WHEREAS, The City Council agrees that it is in the best interest of the City to remove the tree and that City Council Contingency funds should be used to pay for the removal.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Six Thousand Five Hundred Nineteen and 75/100ths Dollars (\$6,519.75) shall be transferred from City Council Contingency funds to the Parks Department budget for the payment or reimbursement of the expenses for the removal of the cottonwood tree.

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BE IT FURTHER RESOLVED that the Finance Director is authorized to make the transfer from City Council Contingency into the appropriate line items of the Parks Department's budget to pay for the cottonwood tree removal.

Councilman Feldges asked if monies budgeted for tree trimming could be used. Cultural and Leisure Services Director Brown advised Council that all of the money that had been budgeted for tree trimming in the park system has been expended with the removal of this one tree which will not allow for any further trimming or removal of damaged trees.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was Resolution No. 10-93 authorizing City employee participation for the Veteran's Cemetery Dedication Ceremony.

Motion by Mayor Yeager, seconded by Councilwoman Rowley to approve Resolution No. 10-93 which follows in its entirety:

RESOLUTION NO. 10-93

WHEREAS, The City of Alliance operates many essential and non-essential services for the citizens of Alliance; and

WHEREAS, The citizens deserve to receive services on a normal schedule; and

WHEREAS, The City desires to support the Grand Opening and Dedication of the Nebraska State Veterans Cemetery which will be held on August 13, 2010, commencing at 11:00 A.M. and encourages employees to attend the Grand Opening and Dedication; and

WHEREAS, The City has a responsibility to treat its employees fairly and responsibly; and

WHEREAS, Staff is recommending that City Council authorize reduction of staff to minimum operational levels during the Grand Opening and Dedication of the Nebraska State Veterans Cemetery at Alliance on August 13, 2010, between the hours of 10:00 A.M. and 2:00 P.M.; and

WHEREAS, The Mayor and City Council desire to make all reasonable provisions to authorize employees to attend the Grand Opening and Dedication of the Nebraska State Veterans Cemetery at Alliance.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City department heads are authorized to reduce all departments to a minimum staffing level on August 13, 2010, between the hours of 10:00 A.M. and 2:00 P.M.

BE IT FURTHER RESOLVED that employees who are assigned specific duties at the Grand Opening and Dedication of the Nebraska State Veterans Cemetery at Alliance will be allowed to perform those duties as a part of their normal employment with the City of Alliance.

BE IT FURTHER RESOLVED that any employee who desires to attend the Grand Opening and Dedication of the Nebraska State Veterans Cemetery at Alliance, and are not assigned duties will be permitted to take leave with the approval of the department head to attend the Grand Opening and Dedication of the Nebraska State Veterans Cemetery at Alliance.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 10-94 awarding contracts for the City's chip seal, crack repair and street patch projects was the next item for Council's review.

Motion by Councilwoman Rowley, seconded by Councilman Kusek to approve Resolution No. 10-94 which follows in its entirety:

RESOLUTION NO. 10-94

WHEREAS, The City has determined that streets in the City need to have cracks repaired and to be stone chip seal coated to protect the integrity of the streets; and

WHEREAS, The City of Alliance has engaged in a competitive bidding procedure to obtain bids for both crack repair and stone chip seal coating certain streets including Laramie Drive, Lakefield Drive South, Toedtli Lane, Big Horn Drive, Marvin Circle, Richard Circle, 20th Street, 24th Street (Box Butte to Sweetwater), Peterson Court, Colorado Avenue (1600 Block), Hammond Lane, Grove Avenue, 6th Street (Cody to Buffalo Avenue), 6th Street and Buffalo intersection; and

WHEREAS, The bid of Stulich Asphalt Repair of Ogallala, Nebraska, in the amount of Sixty One Thousand Nine Hundred Eighty and No/100ths Dollars, (\$61,980.00) is the lowest, responsive, and responsible bid for the crack repair; and

WHEREAS, The bid of Topkote Inc., of Yankton, South Dakota, in the amount of One Hundred Fifteen Thousand One Hundred Eleven and 18/100ths Dollars, (\$115,111.18) is the lowest, responsive, and responsible bid for stone chip seal; and

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WHEREAS, The bid of Stulich Asphalt Repair of Ogallala, Nebraska, in the amount of Eighteen Thousand Four Hundred Eighty-Seven and 01/100ths Dollars, (\$18,487.01) is the lowest, responsive, and responsible bid for the street patch; and

WHEREAS, The City of Alliance requires engineering services to prepare the scope of the work, the specifications of the materials to be used and to inspect the services rendered; and

WHEREAS, M.C. Schaff and Associates is willing to provide the necessary services; is familiar with the work that is required to be completed to repair the streets and has a working relationship with the City of Alliance.

NOW, THEREFORE, BE IT RESOLVED, By the Mayor and City Council of Alliance, Nebraska, that the City of Alliance that the contract for stone chip seal coating the streets described above, as specifically set forth in the bidding documents, is hereby awarded to Topkote Inc., of Yankton, South Dakota in the amount of Two and 71/100 Dollars (\$2.71) per square yard for the approximate amount of One Hundred Fifteen Thousand One Hundred Eleven and 18/100ths Dollars, (\$115,111.18).

BE IT FURTHER RESOLVED, That staff is authorized to enter into a construction contract with Stulich Asphalt Repair of Ogallala, Nebraska, to repair the cracks in the street said contract in the amount of Six and No/100ths (\$6.00) per linear foot for the approximate amount of Sixty One Thousand Nine Hundred Eighty and No/100ths Dollars, (\$61,980.00).

BE IT FURTHER RESOLVED, That staff is authorized to enter into a construction contract with Stulich Asphalt Repair of Ogallala, Nebraska, to perform the street patch on the above describe streets in the amount of Four and 79/100ths (\$4.79) per square foot for the approximate amount of Eighteen Thousand Four Hundred Eighty-Seven and 01/100ths Dollars, (\$18,487.01).

BE IT FURTHER RESOLVED, That staff is authorized to enter into an engineering contract with M.C. Schaff and Associates to prepare the scope of the work; determine the specifications of the materials to be used and to inspect the services rendered in the amount of twenty two cents (\$.22) per square yard for the approximate amount of Nine Thousand Forty Eight and 89/100ths Dollars (\$9,048.49.)

BE IT FURTHER RESOLVED, The Public Facilities 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, Staff shall contact the successful bidders so that contractual arrangements can be finalized, and work can commence according to the terms of the bid.

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Public Facilities Director Lenz indicated that Topkote, Inc. will begin sometime the first part of September which will allow Stulich Asphalt Repair time to complete their work. He also clarified the differences in several street improvement projects and contracts.

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 consideration was Resolution No. 10-95 awarding the asphalt street repair projects to Stulich Asphalt Repair of Ogallala, NE in the amount of \$33,611.89.

Motion by Councilman Benzel, seconded by Councilman Feldges to approve Resolution No. 10-95 which follows in its entirety:

RESOLUTION NO. 10-95

WHEREAS, The City of Alliance is responsible for streets, alleys and roads within the City of Alliance; and

WHEREAS, The City has determined that Potash Avenue Underpass, 4th Street (100 block east) from the alley to Niobara Avenue, and the aprons of the Kansas Street Overpass are in need of improvements and repairs; and

WHEREAS, The City of requested bids and quotes for the above listed repairs; and

WHEREAS, The bid of Stulich Asphalt Repair of Ogallala, Nebraska in the amount of Thirty Three Thousand Six Hundred Eleven and 89/100ths Dollars, (\$33,611.89) is the lowest, responsive, and responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the Mayor is authorized to enter into a construction contract with Stulich Asphalt Repair of Ogallala, Nebraska, to perform the street repairs on the above listed streets in the amount of Thirty Three Thousand Six Hundred Eleven and 89/100ths Dollars, (\$33,611.89).

BE IT FURTHER RESOLVED, The Public Facilities 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, Staff shall contact the successful bidders so that contractual arrangements can be finalized, and work can commence according to the terms of the bid.

August 5, 2010

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. 10-96 authorizing the change in the paint scheme on the Elkhorn Water Tower from a black sun to a canary yellow sun.

Motion by Councilman Feldges, seconded by Councilman Kusek to approve Resolution No. 10-96 which follows in its entirety:

RESOLUTION NO. 10-96

WHEREAS, The City of Alliance contracted to paint the Elkhorn water tower; and

WHEREAS, Council was not involved in the decision of the choice of color to paint the sun of the “Open Alliance” logo; and

WHEREAS, Council desires to change the color of the sun on the “Open Alliance” logo.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that staff shall order the appropriate amount of paint to change the black sun on the “Open Alliance” logo on the Elkhorn water tower to canary yellow.

Councilwoman Rowley expressed her opinion that the sun looks fine black. Councilman Benzel said that it is a dumb way to spend money.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Feldges.

Voting Nay: Benzel.

Motion carried.

- The next agenda item for Council’s consideration was Board Appointments.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to appoint Robyn Iossi to the Alliance Library Board for a term ending June 30, 2014.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to appoint Dan Carlson to the Police/Citizen Advisory Board for a term ending December 31, 2010.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The last item on Council's agenda was an Executive Session to discuss personnel matters.

Councilman Kusek motioned pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943 that the Alliance City Council hold a closed session for the purpose of discussing personnel matters. The motion was seconded by Councilwoman Rowley.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

The closed session began at 8:12 p.m. and ended at 8:45 p.m.

- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:45 p.m."

Ralph Yeager, Mayor

(SEAL)

Linda S. Jines, City Clerk

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