

June 18, 2009

# ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, JUNE 18, 2009

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

The Alliance City Council met in a Regular Meeting, June 18, 2009 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 June 11, 2009. 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 June 18, 2009 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Yeager, Council Members Benzel, 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 to excuse Councilman Kusek from the meeting as he was out of town.

Motion by Mayor Yeager, seconded by Councilwoman Rowley to excuse Councilman Kusek from the meeting.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Benzel, Feldges.

Voting Nay: None.

Motion carried.

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- The Consent Calendar was the next item on Council's agenda.  
Motion by Councilwoman Rowley, seconded by Councilman Feldges to approve the Consent Calendar which follows in its entirety:

### CONSENT CALENDAR – JUNE 18, 2009

1. Approval: Minutes of the Regular Meeting, June 4, 2009.
2. Approval: Payroll and Employer Taxes for the period May 16, 2009 through May 29, 2009 inclusive: \$170,962.44 and \$12,188.20 respectively.
3. Approval: Claims against the following funds for the period June 1, 2009 through June 15, 2009: 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; \$537,762.54.
4. Approval: The issuance of a Cemetery Certificate to Lois Ravert, Debra Funk, and Randal Ravert for the North One Half of the Southwest Quarter (N1/2 SW1/4) of Lot Seventeen (17), Section Two (2), Block Three (3), Original Plat to the Alliance Cemetery.
5. Approval: Resolution No. 09-77 granting a Special Designated License to The Gathering Spot for a beer garden during Heritage Days, July 17 and 18, 2009. The application is the same as last year and requests the closure of a portion of the north/south alley between 3<sup>rd</sup> Street and the east/west alley as the beer garden will encompass the Ken and Dale's Restaurant parking lot. A copy of the application is attached for your reference.

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.

Councilwoman Rowley asked if the City has entered into a contract with a new cell phone provider. City Manager Caskie explained the process of switching providers will begin soon. She also questioned a tow charge. Lt. Ken Hart advised Council a suspect's vehicle was towed. Councilman Feldges inquired about a fireworks deposit. City Manager Caskie advised Council the City was purchasing the fireworks with the Jaycees money in order to save the Jaycees from paying sales tax. Councilwoman Rowley asked if the supplier for plants for the parks is from Alliance. City Clerk Jines advised Council that Country Gardens is from Minatare, but they have a temporary greenhouse in Alliance. Councilman Feldges questioned a charge from 4<sup>th</sup> Street Fencing for heater repair for the pool. He was advised that the company does repair work. Councilwoman Rowley asked about a charge to Family Vision. She was advised that eyeglasses that are broken on the job are replaced at the City's expense. Councilman Feldges questioned charges for Peltz Construction and inquired if the charges are for the same building. City Manager Caskie advised Council that a cost analysis was provided previously and these bills reflect those included in the analysis. Councilwoman Rowley asked about a charge for snow removal. City Manager Caskie advised Council it was a delayed bill from the past

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winter. She also asked about charges for folders. City Manager Caskie explained they are advertising folders.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- The first reading of Ordinance No. 2641 amending the Alliance Municipal Code at Chapter 1, Article 1, Sections 104 and 112 requiring individuals desiring to be on a Council agenda to make their request seven business days prior to the meeting was the next item to be presented to Council.

Motion by Councilwoman Rowley, seconded by Councilman Feldges to approve Ordinance No. 2641 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

### **ORDINANCE NO. 2641**

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING SECTIONS 104 AND 112, ARTICLE 1 AT CHAPTER 1, RELATING TO ADDRESSING THE COUNCIL; 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 conducts a meeting of the City Council two times each month.

SECTION 2. The City of Alliance has previously permitted anyone to speak before the City Council as long as the individual requested permission to appear before the City Council at least 24 hours in advance of the City Council Meeting.

SECTION 3. As a result of that rule the City is not able to give notice to other citizens of the City who might desire to speak on the same issue and thereby unfairly restricts the ability of all citizens to address the City Council.

SECTION 4. Alliance Municipal Code at Chapter 1, Article 1, Section 104 and 112 shall be amended to read as follows:

1-104. AGENDA, PREPARATION: DIRECTIONS TO STAFF.

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All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Council shall, if possible, be delivered to the City Clerk, no later than seven (7) business days, at least two days prior to the date and time of each regular Council meeting, be delivered to the City Clerk, whereupon the City Clerk shall immediately arrange a list of such matters according to the order of business and furnish each member of the Council, the City Manager and the City Attorney with a copy of the same prior to the Council meeting and as far in advance of the meeting as time for preparation will permit. None of the foregoing matters shall be presented to the Council by administrative officials, except those of an urgent nature, and the same, when so presented, shall have the written approval of the City Manager before presentation.

#### 1-112. ADDRESSING THE COUNCIL.

(a) The presiding officer of the City Council shall provide opportunity during Council meetings for discussion by interested persons or their authorized representatives on any Council matter before the Council prior to final passage, provided, that the preference shall be given to any person, who, at least twenty-four hours prior to the Council meeting, shall have requested opportunity for discussion by written notice directed to the City Clerk.

(b) Any person may direct a written communication to the City Council on any matter concerning the City's business by directing the communication to the Council through the City Clerk. ~~Any such written communication shall be placed on the agenda of the next regular Council meeting, under the order of the business entitled "Petitions, Remonstrances and Communications, subject to the requirements of notice under public meetings law. Personnel matters should be initially referred to the Personnel Manager or the City Manager.~~

(c) Any person desiring to personally address the Council on any matter not then before it shall notify the City Clerk in writing of his or her desire. Such written notice shall include the name and address of the person making the request, the issue and a description of their concern. ~~at least twenty-four hours~~ no later than seven (7) business days prior to the Council meeting at which he wishes to appear.

(d) The City staff shall examine every request to determine whether the issue raised can be addressed administratively. If an administrative resolution is determined to be appropriate, the issue shall be delegated to the City Manager to attempt to resolve the issue. The City Manager may delegate the issue to any department head. If the citizen is not satisfied with the administrative resolution the citizen may make another written request to be on the Agenda for the next regularly scheduled City Council Meeting. The City Clerk shall place the request ~~Any such written communication shall be placed~~ on the agenda of the next regular Council meeting; provided that the next regularly scheduled council meeting is not less than five (5) business days from the date of receipt of the request, under the order of the business entitled "Petitions, Remonstrances and Communications, subject to the requirements of notice under public meetings law. Personnel matters should be initially referred to the Personnel Manager or the City Manager.

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(de) The presiding officer of the Council shall, from time to time, make such rules as may be deemed necessary to fulfill and carry out the intent of the provisions of this section.

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.

Councilman Kusek arrived at 7:14 p.m.

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 request of Santokh Singh was the next item to be considered by Council. Mayor Yeager declared, "Now is the date, time and place to conduct a public hearing on the Class D Liquor License request of Santokh Singh dba Nick's Gas & Liquor located at 224 E. 3<sup>rd</sup> Street." The public hearing opened at 7:27 p.m. Hearing no testimony, the public hearing was closed at 7:28 p.m.

Motion by Mayor Yeager, seconded by Councilman Benzel to approve Resolution No. 09-78A approving the Class D Liquor License request of Santokh Singh dba Nick's Gas & Liquor located at 224 E. 3<sup>rd</sup> Street which follows in its entirety:

#### **RESOLUTION NO. 09-78A**

*WHEREAS*, The City of Alliance has received a notice and copy of an application for a Retail Class D Liquor License submitted by Santokh Singh d/b/a Nick's Gas & Liquor; and

*WHEREAS*, The Alliance City Council has held a public hearing as provided for by law within twenty-one 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 \$7.54.

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*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and Council of the City of Alliance, Nebraska, that the City Council recommends the issuance of a Retail Class D Liquor License to Santokh Singh d/b/a Nick's Gas & Liquor to be located at 224 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.

- The next item to be presented to Council was Resolution No. 09-79 accepting a donation from the Alliance Volunteer Fire Department of a life-size statue of a firefighter to be placed in front of the Alliance Area Fire/Emergency Center.

Motion by Councilman Feldges, seconded by Councilman Benzel to approve Resolution No. 09-79 which follows in its entirety:

#### **RESOLUTION NO. 09-79**

*WHEREAS*, The City of Alliance has been requested to receive the donation of a sculpture of a fireman for placement at the Fire Station located in the City of Alliance; and

*WHEREAS*, The proposed donation is appropriate for placement at the Fire Station; and

*WHEREAS*, The Alliance Volunteer Fire Department intends to engage in fund raising activities to purchase the sculpture and provide all construction and installation costs; and

*WHEREAS*, The City Council believes the proposed gift is in the best interest of the City and the gift should be accepted, and placed at the Fire Station on the South side of the lobby and West of the entrance.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the Alliance Volunteer Fire Department is authorized to engage in fund raising activities to purchase a sculpture and to provide for all construction and installation costs.

*BE IT FURTHER RESOLVED*, the City of Alliance will accept the sculpture from the Alliance Volunteer Fire Department for placement at the Fire Station.

City Manager Caskie explained the City has a gift policy that states any time fund raising occurs for an item to be placed on City property permission must be obtained prior to any fund raising activities. Another policy states before any public art can be approved and determined to be placed on City property, permission must be obtained from City Council. Fire Chief Troy Shoemaker advised Council the statue will cost \$2,500.00 and will be manufactured from

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weather resistant fiberglass. The statue will be placed near the flag pole at the front of the fire station.

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. 09-80 which will authorize the use of \$5,421.00 from the City Council Contingency Fund for repairs to the Regional Law Enforcement Center.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Resolution No. 09-80 which follows in its entirety:

**RESOLUTION NO. 09-80**

*WHEREAS*, The City of Alliance has an agreement for the operation of the Regional Law Enforcement Center with Box Butte County; and

*WHEREAS*, The agreement provides that the City of Alliance is responsible for twenty five percent of major repairs to the Law Enforcement Center; and

*WHEREAS*, Staff has received notification that the upon inspection it has been determined that the boiler needs to be replaced and the air conditioning system needs major repairs. The total cost of the repairs are Twenty-One Thousand Six Hundred Eighty Two and 50/100ths Dollars (\$21,682.50); and

*WHEREAS*, The City's responsibility is Five Thousand Four Hundred Twenty and 63/100ths Dollars (\$5,420.63); and

*WHEREAS*, These repairs were unforeseen, no funds were budgeted for the repairs and the Alliance Police Department does not have funds available for these repairs; and,

*WHEREAS* The City Council has Council Contingency Funds available which are sufficient to cover the cost of the City's portion of the repair; and

*WHEREAS*, Council agrees that it is in the best interest of the City to complete the repairs on the heating and air conditioning system in the Regional Law Enforcement Center.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that Five Thousand Four Hundred Twenty One and No/100ths Dollars (\$5,421.00) of budget authority shall be transferred from Council Contingency budget line item to the Police Administration Department Non Routine Contract Services (NRCNTSVC) Building Structures and Public Works budget line item.

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*BE IT FURTHER RESOLVED* that the City Treasurer shall transfer Five Thousand Four Hundred Twenty One and No/100ths Dollars (\$5,421.00) of budget authority from Council Contingency budget line item to the Police Administration Department Non Routine Contract Services (NRCNTSVC) Building Structures and Public Works budget line item.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be presented to Council was Resolution No. 09-81 authorizing the City to enter into a Memorandum of Agreement with the Federal Aviation Administration which covers required land sites and easements for existing navigational aid facilities on airport property.

Motion by Councilwoman Rowley, seconded by Councilman Feldges to approve Resolution No. 09-81 which follows in its entirety:

#### **RESOLUTION NO. 09-81**

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

*WHEREAS*, The City and the Federal Aviation Administration (FAA) have a no-cost land lease which is identified as DTFACE-06-L-00007 wherein the FAA leases eight facilities that are covered by that single lease; and

*WHEREAS*, The FAA has submitted to the City for the City's review a Memorandum of Agreement identified as MOA DTFASW-09-L-00100 which if adopted will supersede and terminate the no-cost lease DTFACE-06-L-00007; and

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to enter into the Memorandum of Agreement identified as MOA DTFASW-09-L-00100 for the Alliance Municipal Airport.

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 a board appointment and resignation.



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Motion by Councilman Kusek, seconded by Councilwoman Rowley to accept the resignation of Christopher Watt from the Police Advisory Board.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Kusek, seconded by Councilman Benzel to re-appoint Carolyn Marlatt to the Museum Board for a term expiring May, 2014.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Councilwoman Rowley requested the Hotel Occupation Tax be brought back before Council in an upcoming meeting.
- Mayor Yeager stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:42 p.m.”

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Ralph Yeager, Mayor

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Linda S. Jines, City Clerk

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