

January 21, 2010

## ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, JANUARY 21, 2010

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

The Alliance City Council met in a Regular Meeting, January 21, 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 January 14, 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 January 21, 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 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 Benzel, seconded by Councilwoman Rowley to approve the Consent Calendar which follows in its entirety:

### CONSENT CALENDAR – JANUARY 21, 2010

1. Approval: Minutes of the Regular Meeting, January 7, 2010.
2. Approval: Claims against the following funds for the period January 4, 2010 through January 18, 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; \$740,037.74.

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3. Approval: To have all bank signature cards updated with the signature of the Mayor, City Clerk, and City Treasurer. The City is in receipt of the Official Bond for Stephen C. Lyster as City Treasurer.
4. Approval: The issuance of Tree Surgeon Licenses to Heather Hauptman dba All Seasons Landscaping and James E. Butcher dba Jim Butcher's Tree Service.
5. Ratification: Council is hereby requested to ratify the actions of the November 19, 2009 City Council meeting. When reviewing our publication records it was found that the Notice of Meeting was published with a typographical error which unfortunately was the date of the meeting. After visiting with our bond counsel and conferring with League staff it was determined the safest action to take at this time is to ratify all actions which were taken at that meeting. I have attached a copy of the minutes for Council's referral and am listing the actions which were taken:
  - Excused Mayor Yeager from the meeting
  - Approved the Consent Calendar
  - Proclaimed November as National Hospice/Palliative Care Month
  - Adopted Ordinance No. 2655 – Issuance of Water Bonds
  - Authorized staff to begin engineering process for crack repair/overlay of 18<sup>th</sup> St. tennis courts
  - Approved Resolution No. 09-128
  - Authorizing an Agreement with Olsson Asso., for Golf Course Irrigation Well Project
  - Approved Resolution No. 09-127
  - Granting a Conditional Use Permit for Phase 2 of Rosewood Estates
  - Approved Resolution No. 09-129
  - Authorizing a Lease Agreement for office space to TSA
  - Approved Resolution No. 09-130
  - Authorizing staff to submit a grant application to the Nebraska Department of Economic Development for the Box Butte Avenue Streetscape Project
  - Approved Resolution No. 09-131
  - Approving a Change Order for the Design Minds Museum Agreement
  - Accepted the Fourth Quarter Financial Report
  - Directed staff to select a date for a Joint Meeting with the Box Butte County Commissions
  - Appointed Dixie Nelson to the A-1 Downtown Improvement Board.
6. Approval: Attached is a copy of the Alliance Public Library's state required survey (report). This document has been forwarded to the Nebraska Library Commission.
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.

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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 Benzel questioned a charge for the disposal of tires. Discussion took place later in the meeting over the issue.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The presentations of two proclamations were the next items on Council's agenda.

Mayor Yeager read the proclamation for Catholic Schools Week which follows in its entirety:

### **PROCLAMATION**

*WHEREAS*, The Week of January 31, 2010 is National Catholic Schools Week; and

*WHEREAS*, St. Agnes Academy has been part of Nebraska since September 8, 1908, and therefore, has been part of our community for over 100 years, and St. Agnes Academy has helped to make our town a loving community; and

*WHEREAS*, St. Agnes prepares its students not only with fine academic training, but also with spiritual values that will make them good citizens able to contribute to their community and become the leaders of the future.

*NOW, THEREFORE*, Be it resolved that the City Council of the City of Alliance, Nebraska, does hereby proclaim the week of January 31, 2010 through February 6, 2010 as

### **CATHOLIC SCHOOLS WEEK IN ALLIANCE NEBRASKA**

*IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 21<sup>st</sup> day of January in the year of the Lord Two Thousand Ten.

The proclamation was presented to Briana Ridenour, Krista Carter and Brian Gould.

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Councilman Benzel read the proclamation for Gambling Awareness Month which follows in its entirety:

### **PROCLAMATION**

*WHEREAS*, Our community is home to individuals and families adversely affected by problem gambling; and

*WHEREAS*, Compulsive gambling is often hidden from family members, social services and mental health professionals; and

*WHEREAS*, Compulsive gambling often occurs in combination with other disorders such as chemical dependency and depression; and

*WHEREAS*, It is important to raise awareness of the warning signs of compulsive gamblers and connect them with professional help,

*NOW, THEREFORE*, On behalf of the Mayor and Members of the City Council of the City of Alliance, I do hereby proclaim March 2010 as

### **GAMBLING AWARENESS MONTH**

and urge citizens to learn more about the consequences of problem gambling.

*IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 21<sup>st</sup> day of January in the year of the Lord Two Thousand Ten.

The proclamation will be mailed to Choices Treatment Center in Lincoln, NE.

- The next item on Council's agenda was a request from the Foster Grandparent Program.

Mr. Wayne Anderson, Northwest Community Action Partnership of Chadron representative addressed Council requesting funding for the Foster Grandparent Program. He indicated the organization would be happy with any amount Council might be able to offer. Mr. Anderson said that 4900 hours of service have been provided to the Head Start Program.

Councilman Feldges asked if an application had been made to the United Way for funding. Mr. Anderson indicated the majority of the fundraising is done in the Chadron, NE area and that he has not approached United Way. Councilwoman Rowley suggested Mr. Anderson make a presentation to the Lion's Club for additional funding.

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Motion by Councilman Kusek, seconded by Councilwoman Rowley to approve an expenditure of \$400.00 from the Keno Fund.

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 Ordinance No. 2650 adopting the final draft of the Comprehensive Development Plan.

Motion by Councilman Kusek, seconded by Councilman Feldges to approve Ordinance No. 2650 on third reading. City Clerk Jines read the ordinance by title which follows in its entirety:

#### **ORDINANCE NO. 2650**

AN ORDINANCE ADOPTING A REVISED COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF ALLIANCE, PURSUANT TO §19-901 OF THE NEBRASKA STATUTES.

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

SECTION 1. The City of Alliance is required to have a Comprehensive Development Plan by State law, as the City enforces zoning and land-use regulations.

SECTION 2. It is advisable to periodically update the Comprehensive Development Plan to accommodate changing needs and development goals of the City.

SECTION 3. City staff has coordinated a community based process which has resulted in a revised Comprehensive Development Plan which has been submitted to the Planning Commission for review.

SECTION 4. The Planning Commission has reviewed the proposed Comprehensive Development Plan, held a public hearing, and has issued its specific recommendation that the proposed plan be approved.

SECTION 5. The City Council has reviewed the plan recommended by the Planning Commission and finds that the plan complies with the requirements of §19-903 R.R.S. 2007.

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SECTION 6. The Comprehensive Development Plan submitted by City staff, recommended by the Planning Commission is hereby adopted as the Comprehensive Development Plan of the City of Alliance, effective upon the effective date of this Ordinance.

Councilman Kusek thanked Community Development Director Rick Houck, staff and volunteers for their efforts.

Roll call vote 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. 2650 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 discussion was Resolution No. 10-04 requesting the waiver of Payments In Lieu of Taxes for the Alliance Housing Authority.

Motion by Mayor Yeager, seconded by Councilman Kusek to approve Resolution No. 10-04 which follows in its entirety:

**RESOLUTION NO. 10-04**

WHEREAS, The City of Alliance has received a request from the Alliance Housing Authority to waive certain payments in lieu of taxes; and

WHEREAS, The City Council finds that it has legal authority to issue such waiver; and

WHEREAS, The City Council finds that such a waiver will benefit the community in allowing more funds to continue to be utilized for low income housing as provided by the Nebraska Housing Agency Act.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the payment in lieu of taxes waiver request of the Alliance Housing Authority in the amount of \$1,043.48 is hereby granted, and the City of Alliance hereby waives its portion of such total payment in lieu of taxes in said amount of \$1,043.48.

Trish Wood, 305 Wood Avenue, Hemingford, NE addressed Council explained the tax calculation is based on a percentage of collected rent less utility expenses.

Roll call vote with the following results:

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Voting Aye: Benzel, Feldges.

Voting Nay: Yeager, Rowley, Kusek.

Motion failed.

- Resolution No. 10-05 approving Change Order No. 1 to the K.L. Wood Contract for the construction of Well No. 7 at the West Well Field was the next item to be discussed by Council.

Motion by Councilwoman Rowley, seconded by Councilman Benzel to approve Resolution No. 10-05:

Mr. Gary Gerhardt, a representative from Olsson Associates addressed Council explaining there is a total deduct of \$29,700.00 for the change order leaving a balance of \$428,281.30. He advised Council the cost is greater than previously constructed wells that are several years old. A comparison was made between the bid from the last project with treatment systems. Olsson Associates feels the prices are in line with the itemized prices.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to amend Resolution No. 10-05 to change the amount for the Change Order to \$428,281.30.

Roll call vote on the amendment with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote on Resolution No. 10-05 as amended with the following results:

Voting Aye: Rowley, Kusek, Feldges.

Voting Nay: Benzel, Yeager.

Motion carried.

### **RESOLUTION NO. 10-05**

*WHEREAS*, The City of Alliance has entered into a contract with Olsson & Associates to provide engineering services for water improvements for the City of Alliance Water System; and

*WHEREAS*, Olsson and Associates recommended the City construct an additional well at the existing West Well Field to make up for the loss of production as a result of the replacement wells being smaller capacity wells and the loss of the well at 16<sup>th</sup> Street and Emerson Avenue; and

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*WHEREAS*, The City of Alliance has entered into a contract with K.L. Wood d/b/a K.L. Wood & Co., a partnership, for the installation of water treatment plants to mitigate the arsenic level, install chlorine treatment systems, construct buildings, drill wells, and rehabilitate and modify other wells for the City of Alliance Water System; and

*WHEREAS*, K.L. Wood d/b/a K.L. Wood & Co., a partnership, has agreed to construct the additional well at the West Well Field as a Change Order No. 1 in the amount of Four Hundred Twenty Eight Thousand Two Hundred Eighty One and 30/100ths (\$428,281.30) Dollars.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, the contract for Change Order No. 1 for construction of an additional well at the West Well Field with K.L. Wood d/b/a K.L. Wood & Co., a partnership, is hereby approved in the amount of Four Hundred Fifty Seven Thousand Nine Hundred Seventy Nine and 30/100ths (\$457,979.30) Dollars.

*BE IT FURTHER RESOLVED*, that the Mayor is authorized to sign Change Order No. 1 for construction of an additional well at the West Well Field with K.L. Wood d/b/a K.L. Wood & Co., a partnership, for and on behalf of the City of Alliance.

*BE IT FURTHER RESOLVED*, that the amount of Change Order No. 1 will be included from the funds available to the City of Alliance from the *American Recovery and Reinvestment Act* (ARRA).

- The next item for Council's consideration was Resolution No. 10-06 approving an amended Lease Agreement with Chadron State College for office space at the Alliance Library/Learning Center.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Resolution No. 10-06 which follows in its entirety:

#### **RESOLUTION NO. 10-06**

*WHEREAS*, The City of Alliance has space in the Alliance Learning Center available for lease to educational institutions; and

*WHEREAS*, Chadron State College has previously leased space from the City and desires to modify the lease by reducing the space that it leases at the Alliance Learning Center; and

*WHEREAS*, City staff has negotiated a contract with Chadron State College to provide for the terms and conditions of Chadron State College occupying the Library/Attendance Center.

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*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and Council of the City of Alliance, Nebraska, that the Lease Agreement with Chadron State College, a copy of which accompanies this resolution and is incorporated herein by reference, is hereby approved by the City Council of Alliance, Nebraska, and the Mayor is authorized to execute the contract on behalf of the City.

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 review was Resolution No. 10-07 authorizing Tire Amnesty Days at the Alliance Landfill from September 27 through October 2, 2010 if Keep Alliance Beautiful is successful in receiving a recycling grant on behalf of the City.

Motion by Councilman Feldges, seconded by Councilman Kusek to approve Resolution No. 10-07 which follows in its entirety:

#### **RESOLUTION NO. 10-07**

WHEREAS, Keep Alliance Beautiful is an organization which works to enhance the environment of Alliance, Nebraska; and

WHEREAS, Keep Alliance Beautiful has requested that the City Council establish Tire Amnesty Days from September 27th through October 2nd, 2010 for the citizens of Alliance and Box Butte County; and

WHEREAS, Citizens of Alliance and Box Butte County will be permitted to deliver their used tires to the City of Alliance Landfill during the Tire Amnesty Days.

WHEREAS, The City of Alliance is being requested to provide a place for the storage of the tires until they can be picked up by a recycler.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Alliance that September 27th through October 2nd, 2010 will be Tire Amnesty Days.

BE IT FURTHER RESOLVED that the City of Alliance Landfill will waive all fees for tires that are delivered from citizens of Alliance and Box Butte County during Tire Amnesty Days.

BE IT FURTHER RESOLVED that Tire Amnesty days will not be available to any commercial business.

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Deb Dopheide, Director of Keep Alliance Beautiful addressed Council advising Council the chances of receiving the grant are very good due to the fact it has been four years since the last tire amnesty program. When the ton limit in the grant guidelines has been received, no more tires will be accepted during the amnesty program.

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. 10-08 authorizing the renewal of the contract for care and maintenance of public planting beds with All Seasons Landscaping Maintenance & Design.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to approve Resolution No. 10-08 which follows in its entirety:

#### **RESOLUTION NO. 10-08**

WHEREAS, Due to changes in the Parks Division, the City of Alliance prepared a request for quotations for contracting maintenance of public landscaped areas within the park system; and

WHEREAS, The City of Alliance entered into a contract with Heather Hauptman d/b/a All Seasons Landscaping to provide services from March through October 2008; and

WHEREAS, The bidding documents authorized an initial one year contract with the option of three year renewals if all parties were satisfied with the services; and

WHEREAS, The Mayor and City Council deemed it appropriate to renew the contract to hire an independent contractor to provided the labor for the clean up, planting and maintenance of the public landscaped areas within the park systems of the City of Alliance for 2009; and

WHEREAS, The Mayor and City Council deem it appropriate to renew the contract with Heather Hauptman d/b/a All Seasons Landscape Maintenance & Design with minor changes increasing the work to be performed and reducing the fees to be charged; and

WHEREAS, The Mayor and City Council deem it to be in the best interest of the City of Alliance to renew the contract with Heather Hauptman d/b/a All Seasons Landscape Maintenance & Design to provided the labor for the clean up, planting and maintenance of the public landscaped areas within the park systems of the City of Alliance for 2010.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, that the Mayor is authorized to sign an agreement between the City of Alliance and Heather Hauptman d/b/a All Seasons Landscaping to contract for the Spring clean up, planting and bed sustention for the period commencing March 1st through October 31st for the year 2010.

BE IT FURTHER RESOLVED that the contract price for 2010 shall not exceed \$21,980.00 unless the City requires additional work which remuneration is not provided for in the contract.

BE IT FURTHER RESOLVED that Council will review the contract in 2011 and decide if the contract will be renewed for an additional year.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 10-09 which outlines the second series of updates to the City of Alliance Employee Personnel Manual was the next item to be presented to Council.

Motion by Mayor Yeager, seconded by Councilman Benzel to approve Resolution No. 10-09 which follows in its entirety:

#### **RESOLUTION NO. 10-09**

WHEREAS, The City of Alliance is revising certain Personnel Policies; and

WHEREAS, The proposed policy revisions have been prepared and reviewed by management and legal staff; and

WHEREAS, The following Policies are presented in their original form or with proposed revisions for Council to approve as Personnel Policies of the City of Alliance:

Attendance and Hours of Work  
Meal Periods  
Rest Periods  
Overtime  
Compensatory Time  
On Call  
Call Back

and,

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WHEREAS, City Council has reviewed the proposed Policies and finds them appropriate for the needs of the Employees of the City of Alliance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the City of Alliance Personnel Policies set forth herein, are hereby approved, and adopted effective February 1, 2010, as the Policy 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 discussed by Council was granting permission to apply for an Energy Efficiency and Conservation Block Grant.

Staff is requesting permission to apply for an Energy Efficiency and Conservation Block Grant that has been funded through the use of stimulus funds by the State of Nebraska. The proposed resolutions will authorize approval for the application, provide for appropriate matching funds, and seeks direction from Council on which approach is in the best interest of the City. Resolution No. 10-10 A funds the boiler at City Hall, plus additional projects and requires additional funding by the City. Resolution No. 10-10 B funds many eligible projects throughout the City but does not fund the boiler at City Hall.

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

#### **RESOLUTION NO. 10-10 A**

WHEREAS, The City of Alliance owns several buildings that were constructed prior to energy conservation measures being a primary concern; and

WHEREAS, The City of Alliance understands the importance of conserving both our natural resources and the revenues of the City of Alliance; and

WHEREAS, The U.S. Department of Energy approved the State of Nebraska's plan for use of American Recovery and Reinvestment Act funds under the Energy Efficiency and Conservation Block Grant Program; and

WHEREAS, The City of Alliance is eligible to apply for this grant from the Nebraska Energy Office and the City has several energy efficiency improvements that qualify for funding under the terms of this grant; and

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WHEREAS, The State of Nebraska Energy Office is accepting on line applications for funding under the American Recovery and Reinvestment Act Energy Efficiency and Conservation Block Grants; and

WHEREAS, The City of Alliance is interested in making application for the grant to obtain funds for energy efficiency improvement to buildings and facilities of the City of Alliance; and

WHEREAS, The City of Alliance has the funds necessary to meet the twenty percent (20%) match in the amount of not more than Fifty Thousand and No/100ths Dollars (\$50,000.00).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that staff is hereby authorized and directed to make an application in the maximum amount of the grant to the State of Nebraska Energy Office for the American Recovery and Reinvestment Act Energy Efficiency and Conservation Block Grants for and on behalf of the City of Alliance

BE IT FURTHER RESOLVED that projects to be completed if the City receives the full amount of the Grant requested will be as follows: the installation of insulation and HVAC at the Golf Course and replacement of windows and doors at the Golf Club House; replacement windows and door at the Shelter House; construction of an interior wall, replacement of windows and replacement of an air conditioner in the Community Development Office; replacement of windows in the Finance Department; installation of seals in the garage doors and replacement of windows in the Fire Department; installation of an HVAC at the Animal Shelter; and replacement of windows, boilers and radiators, doors and installation of heat pumps in the Municipal Building.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Benzel.

Voting Nay: Feldges.

Motion carried.

- The last item on Council's agenda was a Board Resignation.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to accept the resignation of Greg Olson from the Alliance Planning Commission.

Roll call vote with the following results:

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

Voting Nay: None.

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Motion carried.

- Mayor Yeager stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:44 p.m.”

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Ralph Yeager, Mayor

(SEAL)

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Linda S. Jines, City Clerk