

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, OCTOBER 16, 2008

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

The Alliance City Council met in a Regular Meeting, October 16, 2008 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 October 9, 2008. The notice stated the date, hour and place of the meeting, that the meeting was open to the public, and that an agenda of the meeting, kept continuously current, was available for public inspection at the office of the City Clerk in City Hall; provided the Council could modify the agenda at the meeting if it determined an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each of the City Council Members. An agenda, kept continuously current, was available for public inspection at the office of the City Clerk during regular business hours from the publication of the notice to the time of the meeting.

Mayor Kusek opened the October 16, 2008 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Kusek, Council Members Dickenson, Benzel, Rowley, and Yeager. Also present were City Manager Caskie, City Attorney Miller and City Clerk Jines.

- Mayor Kusek read the Open Meetings Act Announcement.
- The first order of business to come before Council was the Consent Calendar.

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

CONSENT CALENDAR – OCTOBER 16, 2008

1. Approval: Minutes of the Regular Meeting, October 2, 2008.
2. Approval: Payroll and Employer Taxes for the period September 20, 2008 through October 3, 2008 inclusive: \$147,289.19 and \$10,428.62 respectively.
3. Approval: Claims against the following funds for the period October 2, 2008 through October 13, 2008: 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; \$683,294.88.

4. Approval: Issuance of a General Contractor's License to Eric Fuller, dba Fuller Construction Co., Inc.

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 Yeager questioned a charge for electricity usage at Big Blue Bay in September. Mayor Kusek requested staff research the actual dates in the billing cycle. Mayor Kusek asked about a bill for repair of a funbrella. City Manager Caskie explained that severe windstorms had caused extensive damage. Councilwoman Rowley questioned a finance charge on a credit card. City Manager Caskie will investigate the cause. She also asked about an expenditure for greeting cards. Mayor Kusek explained that Christmas cards have been ordered to be sent to all board members and volunteers for the City of Alliance.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

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

Councilman Dickenson read the proclamation for YMCA Arts Week which follows in its entirety:

**Proclamation
Y Arts Week 2008**

WHEREAS, November 3 – 9, 2008 has been recognized as Y Arts Week by thousands of YMCAs, arts and cultural organizations, communities and states across the nation.

WHEREAS, The arts and humanities embody much of the accumulated wisdom, intellect, and imagination of YMCA past, present and future.

WHEREAS, The arts and humanities enhance and enrich the lives of kids, families, and communities.

WHEREAS, Research shows that the arts strengthen spirit, mind and body in the following ways:

- Helps close the achievement gap, especially among disadvantaged youth
- Improves academic skills essential for reading and language development

- Builds strong mathematical skills
- Advances the motivation to learn
- Promotes positive social development

WHEREAS, The not-for-profit arts industry also strengthens our economy by generating \$134 billion in economic activity annually and by supporting the full-time equivalent of 4.85 million jobs.

NOW, THEREFORE, BE IT RESOLVED, on the behalf of the members of the Alliance City Council I do hereby proclaim November 3 – 9, 2008 as

YMCA Arts Week

in the city of Alliance and call upon our citizens to celebrate and promote the arts and culture in our nation and to specifically encourage the greater participation of youth in educational programs and activities in the arts and humanities.

The proclamation was presented to Brenda McDonald, YMCA Executive Director, Sandy McCarthy, Kent Bleish and Amy Thacker.

- The next item for Council's review was Ordinance No. 2633 which will amend the Alliance Municipal Code at Chapter 4, Sections 4-304 and 4-307. The amendments will discontinue the practice of temporary construction services and require metered service from the beginning of property development.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Ordinance No. 2633 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2633

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING SECTION 304 AND 307, ARTICLE 3 AT CHAPTER 4, RELATING TO WATER RATES CHARGED BY THE CITY OF ALLIANCE; 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 operates the Alliance Municipal Water System (A.M.W.S.)

SECTION 2. The City of Alliance has previously charged a flat fee for connection to the City of Alliance Municipal Water System during the construction of an improvement on real estate.

SECTION 3. As a result of the restrictions on water use and the requirement to mitigate the arsenic levels in the water system staff has recommended changing the City Code so that all users are connected to meters and charged for the water based on use.

SECTION 4. Alliance Municipal Code at Chapter 4, shall be amended at Article 3, Section 304 and 307 to read as follows:

4-304. APPLICATIONS AND CONTRACTS

All applicants for water service shall be subject to all rules and regulations heretofore or hereafter adopted by the City Council, and to all applicable ordinances (or provisions thereof) of the City which may now or hereafter be in force.

All applicants for a new water service shall sign, prior to the start of construction, such form of service contract as may be required by A.M.W.S.

Not more than one house or building shall be supplied from one tap, except by special permission by the City Manager, or designee. No user shall supply water to any other person. Each applicant shall have the water service installed by a licensed plumber, the cost of which shall be borne by the applicant.

A refundable deposit for construction water service, as set by the City Council, will be collected at the Utility Customer Service Office at the same time that a similar fee is collected for temporary electrical service. Contractors will be required to sign the construction utility form at the Building and Zoning Department prior to the issuance of the building permit. The Building Inspector will forward a copy of the signed form to the Utility Customer Service Office. If the contractor does not desire construction water service, the Building Inspector will have the contractor acknowledge the same on the form provided. A copy of the signed form will be forwarded to the Utility Customer Service Office.

The fee schedule, as set by the City Council, includes residential, commercial, and industrial types of construction. The deposit is to be paid at the same time a temporary electric service account is opened. The person desiring metered water services must install an approved meter. The deposit will only be waived if the contractor agrees to sign a form that specifically requests that water not be used during construction. Standard metering is required at any time water service is provided. If A.M.W.S. becomes aware that water is being supplied to a location without the installation and continual use of a meter, the services to that location may be discontinued as notified by A.M.W.S. or the City Building and Zoning Department.

If a construction site uses unmetered water A.M.W.S. can charge an additional \$100.00 prior to connection to metered water. A Certificate of Occupancy will not be issued nor will permanent water be released until such time as all fees are paid.

A.M.W.S. will not supply permanent water service until: the customer's application for service shall have been approved by A.M.W.S.; all necessary permits shall have been obtained by the customer;

inspection has been approved as set forth by the Building and Zoning Department; and A.M.W.S. shall find it practicable to render such service.

All customers desiring permanent metered water service shall make application for service and enter into such contracts for service as may from time to time be required by A.M.W.S. All applications for permanent metered water service shall be made in the true name of the customer actually to receive such service, unless otherwise permitted by A.M.W.S. and the use of a fictitious name by the prospective customer shall be sufficient reason for refusal or termination of service.

Any change in the identity of the customer of record at the premises shall require a new application and A.M.W.S. may discontinue the water supply until such new application has been made and accepted by A.M.W.S. In the event the customer fails to make the required applications for service, the customer using and benefitting from such service shall be subject to all rules, regulations and tariffs and liable for all charges for services rendered.

4-307. MUNICIPAL WATER SYSTEM; TURNING ON WATER

Water will not be turned on into any service line, until a proper meter and backflow device(s) have been installed and the customer has complied with articles in Section 4-304. Permanent metered water services will not be turned on to any service until an application for water service has been received; an occupancy permit has been issued; an inspection has been completed by the City Building Inspector or Water Superintendent; and a service request has been provided to the Utilities Customer Service Office and executed by A.M.W.S. service crew to verify installation and foundation readings of the required water meter.

When the water has been disconnected for any reason, the service shall not be reconnected without the consent of A.M.W.S. At no time shall water be turned on by anyone other than A.M.W.S. personnel, except for repairs to plumbing or the service line.

SECTION 5. 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 6. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Water Superintendent Mike Hulquist explained that water is a commodity for the City and should be metered at all construction sites. Sites that have been provided with temporary unmetered water for an extended period of time are not paying for actual water usage. Administering construction sites is a time consuming process and not efficient; metering the service will eliminate the problem.

Councilwoman Rowley asked if electricity is metered and was advised that it is. Councilman Benzel asked if the construction workers could easily disable the meter. Mr. Hulquist advised him that it could be done, but doubted that it would happen regularly. City Manager Caskie explained that metering both electricity and water would streamline the utility billing process and ensure that

contractors are only paying for water used instead of a flat rate. The intent is to install a meter at the beginning of the construction process which remains with the property. Councilman Yeager and Councilman Dickenson supported the flat rate over a metered rate. Councilman Dickenson also questioned the liability of a broken meter during the winter in an unheated, partially built home. He suggested that a temporary meter is billed to the contractor as well as a deposit. Councilman Yeager suggested the contractor buy the permanent meter and meter the water until a Certificate of Occupancy is issued which would eliminate a monthly meter charge but would charge all the water used to the contractor. City Manager Caskie will direct staff to incorporate the changes to the ordinance made by Councilman Yeager.

The motion to approve Ordinance No. 2633 on first reading was withdrawn by Councilman Benzel and Councilwoman Rowley. Staff will prepare changes to the ordinance and present at the next regular meeting of Council.

- Resolution No. 08-107 awarding the purchase of the Arsenic Treatment Equipment to Layne Christensen Company in the amount of \$489,940.00 was the next item for Council's consideration.

Motion by Councilman Yeager, seconded by Councilwoman Rowley to approve Resolution No. 08-107 which follows in its entirety:

RESOLUTION NO. 08-107

WHEREAS, The City of Alliance operates the Alliance Municipal Water System (A.M.W.S.); and

WHEREAS, The United States Government has implemented new rules regulating the allowable amount of arsenic in the municipal water systems which change requires the City of Alliance to mitigate the arsenic level in the A.M.W.S.; and

WHEREAS, The City of Alliance let bids for the purchase of water treatment plants to mitigate the arsenic level in the municipal water supply; and

WHEREAS, The bids received substantially exceeded the estimates of the engineers; and

WHEREAS, Olsson and Associates have examined the bids and have recommended that the City of Alliance accept the low bid for the arsenic treatment equipment purchase and exclude the pre-fabricated buildings; and

WHEREAS, The number of water treatment plants that will be required to treat the municipal water supply for the City of Alliance has not been determined; and

WHEREAS, Layne Christensen Company was determined to be the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance,

Nebraska, that the Mayor is authorized to sign a contract with Layne Christensen Company for the purchase and installation of arsenic treatment equipment for the municipal water system of the City of Alliance.

BE IT FURTHER RESOLVED, that the contract price after the deduction for the prefabricated building is Four Hundred Eighty-nine Thousand Nine Hundred Forty and No/100ths (\$489,940.00) Dollars.

BE IT FURTHER RESOLVED, that the contract price may be increased an additional Two Hundred Thirty Seven One Hundred Twenty Eight and No/100ths (\$237,128.00) Dollars for up to two alternate treatment plants that may be required to be installed to comply with the Federal mandate.

Mike Milius of Olsson Associates addressed Council providing updates on water drilling and water treatment plants in the City of Alliance. The buildings will be made part of the site package and will be built on site. City Manager Caskie inquired whether Council would be willing to absorb additional cost for the buildings to be aesthetically pleasing in the residential areas or would rather minimize costs and stay in the color palette made available by the company. The buildings will be approximately thirty square feet. Mayor Kusek indicated that the Burnham and Colorado wells need to have buildings appropriate to the neighborhood.

Fred Feldges, 231 W. 21st Street addressed Council questioning general information on Layne Christensen and arsenic removal questions. Mr. Milius explained that Layne Christensen conducted the pilot study proving that the arsenic removal was transpiring. Mr. Feldges was also concerned that Layne Christensen “claim” they can design a product to remove arsenic. Mr. Milius assured him that the filter design in the pilot study is identical to the filter that will be used. Mr. Feldges noted the report indicates there is something in our water making arsenic removal difficult. Mr. Milius explained the difficulty is in regards to the heavy feed of the ferrous chloride to obtain the reaction with the arsenic.

Mayor Kusek requested a timeline for the project. Mr. Milius indicated the target to go out to bid is late January, however the performance of the test hole program may push the date to March. The State of Nebraska is aware of the progress and there are no regulatory issues.

Water Superintendent Mike Hulquist informed Council the Alliance Municipal Airport has a potential of receiving a violation before the end of the year.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's review was Resolution No. 08-103 authorizing an Agreement with the Nebraska Department of Roads for improvements to be made on Highway N-87.

Motion by Councilwoman Rowley, seconded by Councilman Dickenson to approve Resolution No. 08-103 which follows in its entirety:

RESOLUTION NO. 08-103

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

WHEREAS, The State of Nebraska has determined that Highway 87 North is in need of repair; and

WHEREAS, The State of Nebraska has prepared an Agreement for the City of Alliance to assume responsibilities for part of the duties necessary to the milling and resurfacing of Highway 87 North commencing at 10th Street and proceeding North; and

WHEREAS, The State of Nebraska has made available "State Funds" for the construction of improvements to Highway 87 North under Project No. S-87-4(1011); and

WHEREAS, The City of Alliance agrees that Highway 87 North is in need of repair; and

WHEREAS, The Mayor and City Council deem it expedient to enter into the Agreement with the State of Nebraska to assume responsibilities for part of the duties necessary for the improvement to Highway 87 North in the City limits of Alliance.

NOW, THEREFORE, BE IT RESOLVED, By the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to execute the Agreement between the City of Alliance and State of Nebraska Department of Roads for Project No. S-87-4(1011) for the improvement of Highway N-87 in Alliance, Nebraska including the milling and resurfacing of Highway 87 North commencing at 10th Street and proceeding North.

BE IT FURTHER RESOLVED, That staff is directed to comply with the terms of the Contract.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was Resolution No. 08-104. This resolution will allow

the City to enter into a Consultant Agreement with M.C. Schaff & Associates of Scottsbluff, NE for engineering services for the airport runway rejuvenation project in an amount not to exceed \$98,129.87.

Motion by Councilman Dickenson, seconded by Councilman Benzel to approve Resolution No. 08-104 which follows in its entirety:

RESOLUTION NO. 08-104

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

WHEREAS, As a result of age and natural deterioration the runways are in need of rejuvenation; and

WHEREAS, the Nebraska Department of Aeronautics, granted an Application Request for a State Aid Project for rejuvenation of the runways, including repairing cracks and joints, seal coating runways and installing new pavement markings; and

WHEREAS, The M.C. Schaff & Associates, Inc., of Scottsbluff, Nebraska has prepared a Consultant Agreement to provide engineering services for the design phase, the bidding phase and the construction phase; and

WHEREAS, The Mayor and City Council deem it expedient to employ an engineer to provide engineering services for the design phase, the bidding phase and the construction phase of the runway rejuvenation at the Alliance Municipal Airport.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to sign an agreement between M.C. Schaff & Associates, Inc., and the City of Alliance to provide for professional services for engineering and construction oversight for the runway rejuvenation at the Alliance Municipal Airport.

BE IT FURTHER RESOLVED, that contract price shall not exceed the following:

Design Phase	\$38,829.71
Bid Phase	2,740.06
Construction	48,879.00
Estimated Testing costs	<u>7,681.10</u>
Total	\$98,129.87

BE IT FURTHER RESOLVED, that staff is authorized to expend the funds as set forth above in accordance with the contract to pay for the engineering services provided by M.C. Schaff & Associates, Inc., of Scottsbluff, Nebraska.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 08-105 authorizing the City to enter into a Production Agreement with the University of Nebraska-Lincoln Television Department for the development of a museum introductory video was the next item for Council's review.

Motion by Councilman Benzel, seconded by Councilman Dickenson to approve Resolution No. 08-105 which follows in its entirety:

RESOLUTION NO. 08-105

WHEREAS, The City of Alliance has received a generous contribution from the Eldred Foundation in the amount of \$800,000 for the planning, construction and installation of the introductory video, displays, interpretive material and interior furnishings of the museum; and

WHEREAS, The City of Alliance has negotiated with the University of Nebraska – Lincoln Television Department (UNL-TV), for contractual services to produce the introductory video for the Knight Museum and Sandhills Center; and

WHEREAS, The City of Alliance desires to enter into the contract with the University of Nebraska – Lincoln Television Department (UNL-TV) to produce the introductory video for the museum.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the City will enter into an agreement with the University of Nebraska – Lincoln Television Department (UNL-TV) to provide contractual production services for the production of the introductory video for the Knight Museum and Sandhills Center.

BE IT FURTHER RESOLVED that the Mayor is authorized to sign all documents necessary to contract with the University of Nebraska – Lincoln Television Department (UNL-TV) to provide contractual production services for the production of the introductory video for the Knight Museum and Sandhills Center.

BE IT FURTHER RESOLVED that all expenditures for this contract shall come from the "Museum Exhibit Fund".

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be brought before Council was Resolution No. 08-106. This resolution will grant permission to apply for a grant with Museums for America to compliment Eldred Foundation funds for design, development and fabrication of the new Knight Museum and Sandhills Center educational and interpretive displays.

Motion by Councilman Yeager, seconded by Councilman Dickenson to approve Resolution No. 08-106 which follows in its entirety:

RESOLUTION NO. 08-106

WHEREAS, The City of Alliance is undertaking the completion of the display exhibits, interpretive material and furnishing of the interior of the Knight Museum and Sandhills Center; and

WHEREAS, The Institute of Museum and Library Services is accepting applications for grants to support the development of museum and library services; and

WHEREAS, The City of Alliance is eligible to file for the grant and the Knight Museum and Sandhills Center is eligible for the use of the grant money.

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 application for a grant with the Institute of Museum and Library Services on behalf of the City of Alliance.

BE IT FURTHER RESOLVED that the City Manager of Alliance, Nebraska, is hereby directed to execute the application and any and all other documents necessary to facilitate the grant between the Institute of Museum and Library Services and the City of Alliance.

BE IT FURTHER RESOLVED that the City Treasurer is authorized and directed to sign any and all necessary documents to furnish any assurances to the Institute of Museum and Library Services as may be required by law or regulation and to receive payment on behalf of the City of Alliance.

BE IT FURTHER RESOLVED that staff is authorized to use up to One Hundred Fifty Thousand and no/100ths (\$150,000.00) Dollars from the Eldred Foundation Funds as the match for this grant.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The last item on Council's agenda was an Executive Session for the purpose of conducting a performance evaluation of City Manager Caskie.

Mayor 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 conducting a performance evaluation of City Manager Caskie. The motion was seconded by Councilman Dickenson.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

The closed session began at 8:20 p.m. and ended at 9:00 p.m.

Motion by Councilman Dickenson, seconded by Councilman Benzel to award City Manager Caskie a \$1,500.00 bonus and amend her contract by changing the severance clause to a five month time period.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Mayor Kusek stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 9:05 p.m.”

Dan Kusek, Mayor

(SEAL)

Linda S. Jines, City Clerk