

March 19, 2009

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, MARCH 19, 2009

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

The Alliance City Council met in a Regular Meeting, March 19, 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 March 12, 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 March 19, 2009 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 Deputy City Clerk Wichman.

- 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 – MARCH 19, 2009

1. Approval: Minutes of the Regular Meeting, March 5, 2009 and the Special Joint Meeting, March 9, 2009.
2. Approval: Payroll and Employer Taxes for the period February 21, 2009 through March 6, 2009 inclusive: \$159,201.50 and \$11,311.34 respectively.

March 19, 2009

3. Approval: Claims against the following funds for the period December 15, 2008 through January 5, 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; \$830,016.30.
4. Approval: Selection of Thursday, June 25, 2009 to conduct the second annual Fountain Festival. An additional request for street closures will be prepared for a future meeting; however, the date selection is vital in proceeding with arrangements.
5. Approval: The issuance of a Cemetery Certificate to the following:

The Southwest Quarter (SW1/4) of Lot Fourteen (14), Section Five (5), Block Two (2), Original Plat to the Alliance Cemetery to Aaron D. Jones and Donna Jones.

Lot Thirteen (13), Section Five (5), Block Two (2), Original Plat to the Alliance Cemetery to Bruce A. Anderson and Ilene M. Anderson.

NOTE: City Manager Caskie has reviewed these expenditures and to the best of her knowledge confirms that they are within budgeted appropriations to this point in the fiscal year.

Councilman Kusek asked about a charge for mulch from Keep Alliance Beautiful. City Manager Caskie advised Council the purchase was for rubber mulch for the playgrounds. Councilwoman Rowley questioned a charge listed as storage. City Manager Caskie explained the purchase was for a shelving unit in an office at the museum. Mayor Yeager inquired as to a charge to Crescent Supply for cement. City Manager Caskie advised Council that she would investigate the charge. Councilwoman Rowley asked about the utility bill for the Learning Center and was advised that the amount is correct considering they have electric heat.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was a Conflict Claim for Councilman Fred Feldges in the amount of \$482.44.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve the Conflict Claim for Councilman Feldges in the amount of \$482.44.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Benzel.

March 19, 2009

Voting Nay: None.

Abstaining: Feldges.

Motion carried.

- Police Chief John Kiss introduced to the City Council the newest Police Officer to the Alliance Police Department Jamie Cardenas.
- The second reading of Ordinance No. 2639 amending the Alliance Municipal Code with regard to parking restrictions was the next item for Council's discussion.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Ordinance No. 2639 on second reading. Deputy City Clerk Wichman read the ordinance by title.

ORDINANCE NO. 2639

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING CHAPTER 3, ARTICLE 2, SECTION 206; AND ADDING SECTION 206.2 RELATING TO PARKING REGULATIONS; AND REPEALING EXISTING PROVISIONS OF CITY CODE NOT CONSISTENT HEREWITH.

Motion by Councilman Benzel, seconded by Councilman Kusek to amend Ordinance No. 2639 to include areas identified with yellow highlighting and strikeout methods.

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 the second reading of Ordinance No. 2639 as amended with the following results:

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

Voting Nay: None.

Motion carried.

March 19, 2009

ORDINANCE NO. 2639

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING CHAPTER 3, ARTICLE 2, SECTION 206; AND ADDING SECTION 206.2 RELATING TO PARKING REGULATIONS; 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 has prohibitions and regulations for parking to provide for public safety and welfare, to regulate traffic flow on City streets and to facilitate travel during and after a snow storm.

SECTION 2. The City of Alliance desires to change the parking regulation for the convenience of the public and to make the removal of snow more efficient.

SECTION 3. The Alliance Municipal Code at Chapter 3, shall be amended at Article 2 Section 206; 206.6 and Article 7, Section 705 as follows:

3-206. CONTINUOUS PARKING IN EXCESS OF 7 DAYS PROHIBITED

For the purposes of Section 3-206, and Section 3-202 vehicle shall include: bus, semi, truck, tractor cab unit, trailer, utility trailer, recreational vehicle, camper, travel trailer, boat, personal water craft, car, van, pickup truck, motorcycle, trailered barbecues and all other similar appurtenances intended for attachment to a vehicle.

No person shall park a vehicle on any City street and permit the vehicle to remain in the same parking stall or location-continuously in excess of a 7 day (168 hours) period. No part of the vehicle can remain in the same location or in the same parking stall where it was parked continuously for the previous 168 hours. The Parking of any vehicle which is not operational on any City street is prohibited. The parking of any vehicle which does not have current license and/or registration on any City street is prohibited.

3-206.01. PARKING AND/OR STORING OF PROPERTY PROHIBITED

The parking or storing of any property, other than a vehicle, on any City street is prohibited.

3-206.02. PARKING AND/OR STORING OF VEHICLES PROHIBITED

The parking or storing of any bus, semi, truck, tractor cab unit, trailer, utility trailer, recreational vehicle, camper, travel trailer, boat, personal water craft, trailered barbecues and all other similar appurtenances intended for attachment to a vehicle on any City street shall be prohibited from November 1st of each year through May 1st of the following year. Provided that during this time school buses being operated for school functions may park in the City Streets for up to 24 hours.

March 19, 2009

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.

- The next item to be considered by Council was Resolution No. 09-29 authorizing the solicitation of bids for equipment and services for the Third Quarter CIP/CEP.

Motion by Councilwoman Rowley, seconded by Councilman Kusek to approve Resolution No. 09-29 which follows in its entirety:

RESOLUTION NO. 09-29

WHEREAS, the City of Alliance annually adopts a Capital Improvements Plan and a Capital Equipment Plan to aid in budgeting and organizing purchasing; and

WHEREAS, the City staff has submitted for City Council review a proposed schedule of capital purchases to be initiated, and in some cases completed, in the third quarter of the 2008-2009 fiscal year; and

WHEREAS, the City Manager has reviewed and approved the proposed schedule of capital purchases for the third quarter of the 2008-2009 fiscal year.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the schedule of capital purchases for the third quarter of the 2008-2009 fiscal year, totaling \$202,640.00 is hereby approved.

BE IT FURTHER RESOLVED, that City staff is authorized to proceed with the purchases noted on the schedule.

Council instructed City Manager Caskie to investigate the possibility of obtaining a hybrid vehicle to be used by the meter readers and use funds from the Electric Department to pay the difference between a standard vehicle and a hybrid. City Manager Caskie also advised Council that the amount shown for the airport runway seal coat project needs amended.

Motion by Councilman Kusek, seconded by Councilman Feldges to table action on Resolution No. 09-29 until the meeting on April 2, 2009.

Roll call vote to table action on Resolution No. 09-29 with the following results:

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

Voting Nay: None.

March 19, 2009

Motion carried.

- Resolution No. 09-30 authorizing the concept of the establishment of a dog park in Alliance was the next item for Council's discussion.

Motion by Councilman Kusek, seconded by Councilman Feldges to approve Resolution No. 09-30 which follows in its entirety:

RESOLUTION NO. 09-30

WHEREAS, A.D.O.G. has contacted the City with regard to the establishment of a dog park within the City of Alliance; and

WHEREAS, The City Council has authorized A.D.O.G. to collect funds for the establishment of a dog park; and

WHEREAS, The City of Alliance agrees with the concept of the establishment of a dog park within the City of Alliance as being in the best interest of the citizens of Alliance; and

WHEREAS, City staff and members of A.D.O.G. have met and established criteria regarding the possible location of a dog park within the City of Alliance; and

WHEREAS, Inquiry has been made of City staff as to the status of the establishment of a dog park.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the City Council agrees with the concept of the establishment of a dog park.

BE IT FURTHER RESOLVED that if A.D.O.G. can demonstrate to the satisfaction of the City that they have examined sites, the criteria that they used in examining the sites and how they determined that a particular site or sites are the appropriate sites for the establishment of a dog park, that the City Council will consider authorizing establishment of a dog park on one of those sites.

BE IT FURTHER RESOLVED that prior to City Council establishing a location that A.D.O.G. must provide to the City the following: (1) a set of plans for the design of the dog park, (2) the agreement of any landowner other than the City of Alliance whose real property is necessary for the establishment of the dog park; (3) demonstrate the appropriate size for the dog park and (4) a set of rules for the operation for the dog park.

BE IT FURTHER RESOLVED that City Council will require A.D.O.G. to provide an agreement to maintain the dog park, the agreement must contain the standards of maintenance and penalties that the City can impose upon failure of A.D.O.G. to perform maintenance to those established standards of maintenance.

March 19, 2009

BE IT FURTHER RESOLVED that upon the clarification of the appropriate locations and how the locations meet the criteria that was previously agreed to, a set of plans, the rules and agreement to maintain, all as set forth hereof, that staff shall place the establishment of the dog park on the Agenda for the City Council.

Jay Weisgerber, 305 31st Terrace Street, addressed Council explaining the Alliance City School's section of the proposed property is 1.56 acres and the City's section is 1.17 acres. The park would begin at the redwood bridge and go to the trees that separate the practice field. Water is accessible from the swimming pool as well as from the high school. Councilman Kusek asked who would pay for the installation of a water pipe from the high school to the dog park. Mr. Weisgerber indicated that K.L. Wood and Bob Henderson have offered to help as well as provide rock and benches. Bruce Porter and Core Underground Systems are willing to assist with the irrigation system. Everything is lined up for installation for the exception of the fence. Access to utilities may be easier from the swimming pool. The ground currently contains a good deal of puncture vine and the group would like to overseed with buffalo grass which will require much less water. Councilwoman Rowley asked who would be responsible for the payment of the water. Mr. Weisgerber told Council that the proximity to the Snake Creek Trail would increase the use of the walking trail and that Keep Alliance Beautiful is in the process of installing Dog Pot Holders to encourage dog owners to clean up after their pets while walking them on the trail. Mayor Yeager reminded everyone the resolution before Council was not designed to discuss the specifics of a dog park, merely to authorize the concept of establishing one.

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. 09-31 authorizing the City to enter into the Conditional Deed of Gift for a military tank from US Army TACOM Life Cycle Management Command.

Motion by Councilman Feldges, seconded by Councilwoman Rowley to approve Resolution No. 09-31 which follows in its entirety:

RESOLUTION NO. 09-31

WHEREAS, Sallows Military Museum Foundation, Inc., has requested a military tank from US Army TACOM Life Cycle Management Command; and

March 19, 2009

WHEREAS, US Army TACOM Life Cycle Management Command has provided the City of Alliance with a Conditional Deed of Gift Combat Material for Static Display; and

WHEREAS, The contract provides the requirements, responsibilities and expenses that the City of Alliance, as Donee, will bear with regard to the maintenance, liability and reporting resulting from possession of the donated property; and

WHEREAS, Council has been provided with a copy of the Conditional Deed of Gift Combat Material For Static Display which sets forth all of the requirements for the City of Alliance; and

WHEREAS, The City Council of the City of Alliance believes that the military static display of the decommissioned tank is in the best interest of the City of Alliance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign the Conditional Deed of Gift Combat Material for Static Display for and on behalf of the City of Alliance;

BE IT FURTHER RESOLVED that staff is directed to comply with the requirements of the Conditional Deed of Gift Combat Material for Static Display including filing the annual certifications as required.

Ted Hempel, 1311 Buchfinck Avenue addressed Council explaining that the contract indicates that if the City at some point no longer wishes to own the tank, it will be our responsibility to ship it back or find someone else to take the tank. The tank must also be demilitarized prior to the City taking possession. Mr. Hempel is exploring options regarding the process. He advised Council the tank will be placed on the north side of the Sallows Military Museum and there are three small trees and a light pole that will need to be moved to allow clearance for the crane to lift the tank on to the cement pad. Mr. Hempel thanked Mr. Gene Gatti for submitting the paperwork required to obtain the tank for the museum.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Benzel, Feldges.

Voting Nay: Kusek.

Motion carried.

- The last item on Council's agenda was a board appointment and a board resignation.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to re-appoint Jolene McGinnis to the Golf Advisory Board for a term expiring December, 2011.

Roll call vote with the following results:

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

March 19, 2009

Voting Nay: None.

Motion carried.

Motion by Councilman Benzel, seconded by Councilman Kusek to accept the resignation of Denise Barker from the A-1 Downtown Improvement Board.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Mayor Yeager stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:50 p.m.”

Ralph Yeager, Mayor

(SEAL)

Linda S. Jines, City Clerk