

April 2, 2009

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, APRIL 2, 2009

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

The Alliance City Council met in a Regular Meeting, April 2, 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 26, 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 April 2, 2009 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Yeager, Council Members Kusek, Benzel 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 for Council’s action was to excuse Councilwoman Rowley from the meeting.

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

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

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- The next item on Council's agenda was the Consent Calendar.

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

CONSENT CALENDAR – APRIL 2, 2009

1. Approval: Minutes of the Regular Meeting, March 19, 2009.
2. Approval: Payroll and Employer Taxes for the period March 7, 2009 through March 20, 2009 inclusive: \$164,040.00 and \$11,698.21 respectively.
3. Approval: Claims against the following funds for the period March 16, 2009 through March 30, 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; \$850,038.43.
4. Approval: *Request for Reserved or Exclusive Use of City Streets* from the City of Alliance and the Alliance Park Foundation for the Fountain Fest Celebration. A copy of the request and a map have been included for Council's review.
5. Approval: Request from the SkyView Ladies Golf Association for the placement of brick pavers in the walkway on the east end of the Club House.
6. Approval: Issuance of the following contractor licenses:

Master Plumber

David Mitchell dba Snell Services, Inc.
Lon Asselin dba Snell Services, Inc.
Ralph Burbach dba Snell Services, Inc.

Journeyman Plumber

Lucan Paloma dba Snell Services, Inc.
Reena Ramirez dba Snell Services, Inc.
Dominic Murillo dba Snell Services, Inc.
Thomas Murillo dba Snell Services, Inc.
Randy Burbach dba Snell Services, Inc.
Kurt Kelly dba Snell Services, Inc.

Journeyman HVAC

Scott Hughes dba Snell Services, 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 Kusek asked if the donation of brick pavers to the golf course follows the City's donation policy and was advised that it does because the installation is being supervised and requires no on-going maintenance. Councilman Kusek asked about the frequency of

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inspection of the elevator at the Alliance Public Library. City Manager Caskie advised Council inspections are completed quarterly. Councilman Feldges inquired about electric charges at the Knight Museum and Sandhills Center. Cultural and Leisure Services Director Chuck Carbert explained that one automatic light switch required replacement and 220 service had to be re-routed in the kitchen. He also asked about chair racks. Mr. Carbert explained the museum has over 200 chairs that must be stacked and moved. Councilman Kusek questioned a charge to Scott Baker for photographs. City Manager Caskie explained the City has possession of all the initial photographs and Mr. Baker has additional photographs that he will be forwarding to the City. Councilman Kusek also questioned several small charges to Shell. City Manager Caskie explained an employee was out of town for training for an extended period of time and used the Shell credit card for fuel purchases. Councilman Kusek questioned a charge for plumbing repair at 623 Platte. City Manager Caskie explained the repair was to a curb stop. Mayor Yeager questioned separate cell phone providers for the Police Department. City Manager Caskie explained five people system wide have a different provider because of a nationwide plan.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- A Conflict Claim of Councilman Dan Kusek was the next item on Council's agenda.

Motion by Mayor Yeager, seconded by Councilman Benzel to approve the Conflict Claim of Councilman Dan Kusek in the amount of \$174.45.

Roll call vote with the following results:

Voting Aye: Yeager, Benzel, Feldges.

Voting Nay: None.

Abstaining: Kusek.

Motion carried.

- Council presented the following five proclamations:.

Councilman Feldges read a proclamation for Arbor Day which follows in its entirety:

PROCLAMATION

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

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WHEREAS, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Trees are a source of joy and spiritual renewal; and

WHEREAS, The City of Alliance has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways,

NOW, THEREFORE, the City Council of Alliance, Nebraska, does hereby proclaim April 24, 2009 as

ARBOR DAY

in the City of Alliance, Nebraska, and I urge all citizens to support efforts to care for our trees and woodlands and to support our City's community forestry program; and

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

The proclamation was presented to Jim Joule and Kathy Yerdon, members of the Park and Tree Board.

Councilman Benzel read the proclamation for National Library Week which follows in its entirety:

Proclamation

WHEREAS, Our nation's school, academic, public and specialized libraries make a difference in the lives of millions of Americans, today, more than ever; and

WHEREAS, Librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn, and work in a challenging economy; and

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WHEREAS, Libraries are part of the American Dream - places for opportunity, education, self-help, and lifelong learning; and

WHEREAS, Libraries use is up nationwide among all types of library users, continuing a decade-long trend; and

WHEREAS, Libraries play a vital role in supporting the quality of life in their communities; and

WHEREAS, Libraries can help you discover a world of knowledge, both in person and online, as well as personal service and assistance in finding what you need, when you need it; and

WHEREAS, Libraries are a key player in the national discourse on intellectual freedom, equity of access, and narrowing the “digital divide;” and

WHEREAS, Libraries, librarians, library workers, and supporters across America are celebrating National Library Week with The Campaign for America’s Libraries.

NOW, THEREFORE, on behalf of the members of the City Council of the City of Alliance, we do hereby proclaim the week of April 12-18, 2009 as

NATIONAL LIBRARY WEEK

And encourage all residents to visit the library this week and take advantage of the wonderful library resources available and thank their librarians and library workers for making information accessible to all who walk through the library’s doors. Worlds connect @ your library.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 2nd day of April in the year of the Lord Two Thousand Nine.

The proclamation was presented to Dena Crews, Alliance Public Library Director and Alison Gould, Ex-Officio Teen Library Board Member.

Mayor Yeager read the proclamation for Child Abuse Prevention Month which follows in its entirety:

PROCLAMATION

April 2009 - Child Abuse Prevention Month

WHEREAS, every child deserves to be cared for by parents who are loving, protecting, and caring. A safe and healthy childhood results in confident, successful adults; and

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WHEREAS, children who are abused and neglected often carry the effects of their experiences into adulthood. They are much more likely to experience problems with substance abuse, depression, learning disabilities, and to engage in criminal activities and violence against others, including abuse of their own children. The societal effects of child abuse include the need for increased child welfare services, special education resources, physical and emotional health care services, and juvenile justice facilities; and

WHEREAS, child abuse prevention requires partnerships among federal, state, and local governments, faith-based and community-based organizations, schools, law enforcement, social service agencies, and parents. We must all work together with parents to protect children and help build healthy families and communities where every child can thrive; and

WHEREAS, we must all join together in the quest to stop child abuse and neglect in our community. Getting involved can save a child's life. If you suspect abuse or neglect is happening in a home with children, do not remain silent. Our children deserve to be protected; and

WHEREAS, during National Child Abuse Prevention Month, and throughout the year, I encourage everyone to find ways to cherish our children, strengthen our families, work together to eliminate child abuse and neglect, and strive toward a shared dream in which every childhood is a safe and happy one.

NOW, THEREFORE, on behalf of the Mayor and Members of the City Council of the City of Alliance, I do hereby proclaim April 2009 as:

Child Abuse Prevention Month

in Alliance, and call upon all citizens to increase their participation in our efforts to prevent child abuse, which in turn will strengthen the communities in which we live.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 2nd day of April in the year of the Lord Two Thousand Nine.

The proclamation was presented to Joy McKay.

Councilman Kusek read the proclamation for Parliamentary Law Month which follows in its entirety:

PARLIAMENTARY LAW MONTH

Whereas, The United States was founded on the principles of the rights and dignity of the individual, majority rule, and the deliberative process for governing and decision making; and

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Whereas, Rules of order play an important part in the smooth functioning of the deliberative process whether at the local, state, or national level of government or in large or small private organizations; and

Whereas, Thomas Jefferson, the third President of the United States; the author of the Declaration of Independence; and one of our nation's most distinguished statesmen; wrote the first manual on parliamentary law in this country, published in 1801; the manual left an indelible mark on American History; was born April 13, 1743; and

NOW, THEREFORE, on behalf of the members of the City Council of the City of Alliance, I do hereby proclaim April as

PARLIAMENTARY LAW MONTH

in conjunction with the National Association of Parliamentarians and the American Institute of Parliamentarians.

And do hereby urge all citizens of Alliance, all members of organizations and citizens in public and private meetings to observe the month with appropriate programs, ceremonies, and activities. Further, I urge them to promote use of democratic processes and organization in meetings through the use of parliamentary practice.

IN WITNESS THEREOF, I have hereunto set my hand this 2nd day of March in the year of the Lord Two Thousand and Nine.

The proclamation was presented to James F. Wilburn, Parliamentarian.

Councilman Feldges read the proclamation for Sexual Assault Awareness Month which follows in its entirety:

Proclamation

WHEREAS, Sexual violence is a devastating and intolerable crime, affecting men, women, and children of all races, ages, cultures, economic situations, and abilities; and

WHEREAS, Sexual violence is a major social problem in homes, schools, and communities across Nebraska, resulting in countless physical, mental, and other health consequences; and

WHEREAS, Sexual violence seriously affects our youth, with one out of every three girls and one out of every six boys being sexually abused before the age of 18; and

WHEREAS, Rape remains the most under-reported crime in the United States; and

WHEREAS, Family Rescue Services, Alliance, NE, in conjunction with other organizations nationwide, designates the month of April as an additional opportunity to promote awareness and prevention of sexual violence; and

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WHEREAS, Family Rescue Services promotes services for survivors of sexual violence through provider training, counseling, and support services; outreach services in schools and communities throughout the Dawes, Box Butte, Sheridan and Sioux Counties; and

WHEREAS, Family Rescue Services is committed to eliminating sexual violence through education and community action across Alliance and promoting equality, safety, and respect among all individuals.

NOW, THEREFORE, On behalf of the Mayor and Members of the City Council of the City of Alliance, Nebraska, I hereby proclaim the month of April 2009, as

SEXUAL ASSAULT AWARENESS MONTH

In Alliance, Nebraska, and urge all citizens of the City of Alliance to participate fully in activities and events to observe Sexual Assault Awareness Month.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 2nd day of April in the year of the Lord Two Thousand Nine.

The proclamation was presented to Maria Swensen of Family Rescue Services.

- Ordinance No. 2639 amending the Alliance Municipal Code with regard to parking restrictions was the next item for Council's consideration.

Motion by Councilman Benzel, seconded by Councilman Kusek to approve Ordinance No. 2639 on third reading. City Clerk Jines read the ordinance by title which follows in its entirety:

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.

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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.

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.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

Mayor Yeager stated, “the passage and adoption of Ordinance No. 2639 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

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

Motion by Mayor Yeager, seconded by Councilman Benzel 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 \$800,858.00 is hereby approved.

BE IT FURTHER RESOLVED, that City staff is authorized to participate in auctions to purchase the vehicle for the utility department and is authorized to spend up to but not exceed Fifteen Thousand Dollars (\$15,000.00).

BE IT FURTHER RESOLVED, that if the utility department vehicle purchase exceeds \$13,000.00; the Finance Director is authorized to transfer the overage up to but not to exceed \$2,000.00 from the Council Contingency Fund to the Capital Equipment Fund.

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

City Manager Caskie advised Council the auction for the City of Denver is April 15, 2009 and will require the presence of a staff member. There are three 2001 hybrid vehicles available.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

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- The next item to be presented to Council was Resolution No. 09-32 authorizing the Public Library Board Foundation of Alliance, Inc. and the Friends of the Library to solicit a Box Butte County artist to create a painting for the Alliance Public Library Centennial Celebration.

Motion by Councilman Kusek, seconded by Councilman Feldges to approve Resolution No. 09-32 which follows in its entirety:

RESOLUTION NO. 09-32

WHEREAS, The City of Alliance has operated an Alliance Public Library since 1909; and

WHEREAS, The Public Library Board Foundation of Alliance, Inc. and Friends of the Library desire to celebrate 100 years of library service in the City of Alliance by seeking a Box Butte County artist to create a painting to be donated to the Library; and

WHEREAS, The Public Library Board Foundation of Alliance, Inc. and Friends of the Library desire the painting to portray the current and past library buildings and encompass a theme of life-long learning; and

WHEREAS, The Public Library Board Foundation of Alliance, Inc. and Friends of the Library are requesting Council's permission to award a \$500.00 prize to an artist to be determined by completion of a selection process and the prize to be paid to the artist at the completion of the project; and

WHEREAS, The City Council agrees that it is appropriate to celebrate the centennial of the Alliance Public Library and desires to authorize the request received from the Public Library Board Foundation of Alliance, Inc. and Friends of the Library.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the Public Library Board Foundation of Alliance, Inc. and Friends of the Library are authorized to solicit a Box Butte County artist to create a painting for the Alliance Public Library Centennial Celebration.

BE IT FURTHER RESOLVED that the Public Library Board Foundation of Alliance, Inc. and Friends of the Library are authorized to determine a selection process, the size of the painting to be created, the medium to be used and the theme of the painting.

BE IT FURTHER RESOLVED the Public Library Board Foundation of Alliance, Inc. and Friends of the Library are authorized to award a prize of \$500.00 for the completed painting.

BE IT FURTHER RESOLVED that the painting will become the permanent property of the Alliance Public Library.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

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Voting Nay: None.

Motion carried.

- The next item for Council's consideration was Resolution No. 09-33 authorizing the submittal of a grant application to the Bill and Melinda Gates Foundation Opportunity Online hardware program.

Motion by Councilman Feldges, seconded by Councilman Benzel to approve Resolution No. 09-33 which follows in its entirety:

RESOLUTION NO. 09-33

WHEREAS, The City of Alliance operates the City of Alliance Public Library; and

WHEREAS, The Alliance Public Library has received notice from the Nebraska Library Commission of the Bill and Melinda Gates Foundation On-Line Hardware Grant; and

WHEREAS, The Alliance Public Library desires to make an application for the Bill and Melinda Gates Foundation Opportunity On-Line Hardware Grant; and

WHEREAS, The Alliance Public Library desires authorization for the Public Library Board Foundation of Alliance, Inc. to raise matching funds of \$650.00 each for two computers and \$1,300.00 each for two computers to be added to the computer laboratory; and

WHEREAS, The Alliance City Council finds that it is in the best interest of the citizens of Alliance and the patrons of the Alliance Public Library to update the computers in the Library to meet the needs of the population in our community;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the Alliance Public Library, Alliance, Nebraska, is authorized to complete the Nebraska Grant Application for Bill and Melinda Gates Foundation Opportunity On-Line Hardware Grant.

BE IT FURTHER RESOLVED that the Public Library Board Foundation of Alliance, Inc. and Friends of the Library are authorized to engage in fundraising for the matching funds of the Bill and Melinda Gates Foundation Opportunity On-Line Hardware Grant.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

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Motion carried.

- The next item on Council's agenda was Resolution No. 09-34 authorizing the purchase of a two ram solid waste baler from International Baler Corporation of Jacksonville, FL in the amount of \$414,125.00 contingent upon an on-site inspection of an operational model.

Motion by Councilman Benzel, seconded by Councilman Kusek to approve Resolution No. 09-34 which follows in its entirety:

RESOLUTION NO. 09-34

WHEREAS, The City of Alliance operates the Alliance Municipal Solid Waste Department; and

WHEREAS, The Alliance Solid Waste Department has let bids for the purchase of a 2 ram baler, including installation and removal costs; and

WHEREAS, Four invitations to bid were sent and four bids were received; and

WHEREAS, The Alliance Solid Waste Department has examined and tabulated the bids and determined that International Baler Corporation of Jacksonville, Florida, is the lowest responsive bidder and that KVA Engineering, Inc., of Corcoran Minnesota is the next lowest responsive bidder.

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 contract for the purchase of a TR-1188-100-HP 2 ram solid waste baler with International Baler Corporation of Jacksonville, Florida, in the amount of Four Hundred Fourteen Thousand One Hundred Twenty Five and no/100ths Dollars (\$414,125.00);

BE IT FURTHER RESOLVED that this authorization is contingent on Mike McCauley and Larry Heinrich making a personal inspection of this particular baler to make sure that it meets the requirements of the City of Alliance Solid Waste Department.

BE IT FURTHER RESOLVED that if the International baler TR-1188-100-HP is determined not to be appropriate for the needs of the Alliance Solid Waste Department, that the Mayor is authorized to sign a contract KVA Engineering, Inc., of Corcoran Minnesota, for the purchase of a 2 ram solid waste baler Model #824-150T6 in the amount of Four Hundred Ninety Four Thousand and no/100ths Dollars (\$494,000.00).

Councilman Feldges questioned the add-ons. Electric Superintendent Larry Heinrich explained the conveyor is straight and drops refuse directly into the hopper. The add-on is necessary to obtain optimum performance from the baler. He explained the life expectancy is 20 years.

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Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- Resolution No. 09-35 approving Water Treatment Facilities Change Order No. 3 with Layne Christensen Company was the next item to be discussed by Council.

Motion by Mayor Yeager, seconded by Councilman Feldges to approve Resolution No. 09-35 which follows in its entirety:

RESOLUTION NO. 09-35

WHEREAS, The City of Alliance operates the Alliance Municipal Water System; and

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

WHEREAS, Layne Christensen Co. was the lowest responsible bidder; and

WHEREAS, The City of Alliance will have to pay sales tax on the purchase of the water treatment plants because the City will use the treatment plants in providing water services to its customers; and

WHEREAS, The assessment of sales tax will increase the contract in the amount of Fifty Thousand Eight Hundred Ninety Four and 76/100ths Dollars (\$50,894.76); and

WHEREAS, Olsson Associates has drafted Change Order #3 to reflect the change in the contract for the payment of the sales tax.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign Change Order #3 to the contract with Layne Christensen Co. for the payment of sales tax on the purchase and installation of the arsenic treatment equipment for the municipal water system as required by law.

BE IT FURTHER RESOLVED that the contract with Layne Christensen Co. for the arsenic treatment equipment will be increased in the amount of Fifty Thousand Eight Hundred Ninety Four and 76/100ths Dollars (\$50,894.76).

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

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Voting Nay: None.

Motion carried.

- The next item on Council's agenda was Resolution No. 09-36 adopting goals established by the City Council at their Special Meeting January 28, 2009.

Motion by Councilman Kusek, seconded by Councilman Feldges to approve Resolution No. 09-36 which follows in its entirety:

RESOLUTION NO. 09-36

WHEREAS, On the 28th day of January, 2009, the City Council met at the Knight Museum and Sandhills Center to discuss goals for the coming year; and

WHEREAS, At that goal setting session a number of goals were discussed and staff prepared a sheet for Council members to assign a propriety for each goal; and

WHEREAS, Members of Council have identified the priority of each of the goals and the priority of each goal has been mathematically calculated by Staff; and

WHEREAS, Staff has drafted and presented to Council the conclusions made from review of the direction from Council members and has assigned the individual goals or tasks to department heads with an assessment of the benefit from the accomplishment of each goal and an estimated date of when the goal should be completed; and

WHEREAS, Staff is requesting that Council approve the assignment of priority, the assignment to individual department heads for completion, the expected benefit to be received from accomplishing the task and the estimated date for completion.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the attachment which is included herein by this reference sets forth the priority of each task, who it is assigned to, the benefit of accomplishing the task, and its estimated date of completion;

BE IT FURTHER RESOLVED that staff shall work on the tasks as prioritized on the attachment to complete them by the estimated completion date.

Motion by Councilman Kusek, seconded by Councilman Benzel to amend to include investigate Time of Use Metering in Section 10, Item E.

Roll call vote on the amendment with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

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Voting Nay: None.

Motion carried.

Roll call vote on Resolution No. 09-36 as amended with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- Resolution No. 09-37 adopting the Sallows Conservatory and Patio Rental Policy was the next item to be discussed by Council.

Motion by Councilman Feldges, seconded by Councilman Kusek to approve Resolution No. 09-37 which follows in its entirety:

RESOLUTION NO. 09-37

WHEREAS, The City of Alliance has the Conservatory building and patio area as well as other buildings and lands; and

WHEREAS, The City has received requests to authorize the Conservatory building and patio area to be leased by people or organizations to hold activities at that location; and

WHEREAS, Staff has drafted a Rental Policy for the lease of the City owned Conservatory building and patio area and is presenting it to Council for its consideration; and

WHEREAS It is necessary to implement Rental Policy so that the Conservatory building and patio area are covered by a rental policy, and

WHEREAS Staff has drafted the Conservatory/Patio Rental Agreement for the rental of the Conservatory building and patio area to control the activities that occur at that location.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the “Conservatory/Patio Area Rental Agreement and Use Policy” which is attached hereto and incorporated herein by reference is approved and adopted.

BE IT FURTHER RESOLVED that the Conservatory/Patio Rental Agreement for the rental of the Conservatory building and patio area which is attached hereto and incorporated herein by reference is approved and adopted.

Cultural and Leisure Services Director Chuck Carbert advised Council that the rental agreement will not encompass the use of the Sallows Military Museum or its restroom facilities.

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Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- The last items on Council's agenda were three board appointments.

Motion by Mayor Yeager, seconded by Councilman Kusek to appoint Chelsie Herian to the A-1 Downtown Improvement Board for a term expiring October, 2010.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

Motion by Mayor Yeager, seconded by Councilman Feldges to re-appoint James Joule and Virgil V. Hatch to the Alliance Park and Tree Board for terms expiring February, 2012.

Roll call vote with the following results:

Voting Aye: Yeager, 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 8:15 p.m."

Ralph Yeager, Mayor

(SEAL)

Linda S. Jines, City Clerk