

April 16, 2009

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, APRIL 16, 2009

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

The Alliance City Council met in a Regular Meeting, April 16, 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 April 9, 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 16, 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 City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
- The first item on Council’s agenda was the Consent Calendar.

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

CONSENT CALENDAR – APRIL 16, 2009

1. Approval: Minutes of the Regular Meeting, April 2, 2009.
2. Approval: Payroll and Employer Taxes for the period March 21, 2009 through April 3, 2009; inclusive: \$159,835.11 and \$11,382.20 respectively.

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3. Approval: Claims against the following funds for the period March 30, 2009 through April 13, 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; \$914,811.61.
4. Approval: Abate of Nebraska Inc. is requesting the closure of the 200 block of Box Butte Avenue for their 20th ABATE 20/20 Days Bike Show. The closure would be to all through traffic excluding motorcycles. They are requesting the closure for Saturday, May 2, 2009 between the hours of 10:00 a.m. and 8:00 p.m. In case of bad weather they are requesting an alternate date of May 9, 2009 be approved. A copy of their request and insurance coverage are included for Council's review.
5. Approval: Acceptance of a Quitclaim Deed from Valetta J. Karnes Underwood for the East One Half (E1/2) of Lot Twenty (20), Section Seven (7), Block Nineteen (19), Third Addition to the Alliance Cemetery and reconvey same to Keith Tolstedt and Hazel June Tolstedt.
6. Approval: Issuance of the following Contractor Licenses:

Master HVAC	Ron McDermott dba McDermott Electric
Repair and Maintenance	Steve Steggs dba Steve's Repair
7. FYI: The Dashboard Report for March, 2009.
8. Approval: Issuance of a Cemetery Certificate for the West One-Half (W1/2) Lot Thirty-nine (39), Section Ten (10), Block Twenty (20), Third Addition to the Alliance Cemetery to Alexander D. Loomis and Evadean Loomis.

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

Councilwoman Rowley questioned a trouble shooting charge at the Alliance Learning Center. City Manager Caskie advised Council the charge was in relation to the HVAC problems. Councilwoman Rowley also inquired about a charge for a phone and charger and was told that we are not taking out contracts on phones, so all replacements must be purchased.

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 of Mayor Ralph Yeager in the amount of \$1,000.00.

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Motion by Councilwoman Rowley, seconded by Councilman Benzel to approve a Conflict Claim of Mayor Ralph Yeager in the amount of \$1,000.00.

Roll call vote with the following results:

Voting Aye: Rowley, Kusek, Benzel, Feldges.

Voting Nay: None.

Abstaining: Yeager.

Motion carried.

- A proclamation thanking the Alliance Volunteer Fire Department was the next item to be presented to Council.

Mayor Yeager read the proclamation which follows in its entirety:

PROCLAMATION

WHEREAS, The City of Alliance is defined by their individual residents who give to the community; and

WHEREAS, On Saturday, April 4, 2009 a female client of OHMR was discovered to be missing during the blizzard; and

WHEREAS, Several individuals left the comfort of their own homes to search for this client; and

WHEREAS, Several members of the Volunteer Fire Department left the comfort of their home and families to search for the OHMR client; and

WHEREAS, The search and rescue efforts were successful; and

WHEREAS, The City Council, for and on behalf of the City of Alliance desires to express their appreciation to members of the Volunteer Fire Department.

NOW, THEREFORE, on behalf of the Mayor and Members of the City Council of the City of Alliance, I do hereby recognize and state our deep appreciation to the citizens of Alliance and Box Butte County and specifically the following members of the Alliance Volunteer Fire Department:

JACOB BEALS, JASON BROWN, BILL CORBETT, ANGEL HINKLEY, JENNIFER HINMAN, NICK HINMAN, KEN HUFF, CODI JONES, MARTY JONES, SAM RODRIGUEZ,

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DARCY SAMPLE, BRAD SCHRUM, JUSTIN SETTER, JIM SMITH, BJ TAYLOR, GARY WATKINS AND KARL ZERCK

for their tireless effort and dedication in the search and rescue mission.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 16th day of April in the year of the Lord Two Thousand Nine.

The proclamation was presented to members of the Alliance Volunteer Fire Department.

- The next item on Council's agenda was a Public Hearing on the application of Wesley A. Fancher for a Conditional Use Permit to operate a small auto salvage operation.

Mayor Yeager stated, "Now is the date, time, and place to conduct a Public Hearing on the application of Wesley A. Fancher for a Conditional Use Permit to operate a small auto salvage operation." The public hearing opened at 7:09 p.m.

Community Development Director Rick Houck provided Council with a brief overview of the application as presented to the Planning Commission.

Howard Jensen, 2491 S. Hwy. 385 addressed Council voicing his concern regarding the view from the overpass as well as the ramifications of the adjacent highway designation of "scenic byway."

No additional testimony was offered and Mayor Yeager closed the public hearing at 7:16 p.m.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to approve Resolution No. 09-38 .

Motion by Councilman Kusek, seconded by Councilwoman Rowley to amend Resolution No. 09-38 to add a clause specifying the Special Use Permit is limited to the area as indicated on the site plan. Resolution No. 09-38 as amended follows in its entirety:

RESOLUTION NO. 09-38

WHEREAS, The City of Alliance, through its Community Development Department regulates building and zoning within the City of Alliance and the two mile jurisdiction; and

WHEREAS, Wesley A. Fancher has requested a Conditional Use Permit on part of the SW¼ of Section 31, Township 25 North, Range 47, West of the 6th P.M. in Alliance, Box Butte County, Nebraska to operate a small auto salvage business; and

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WHEREAS, The Community Development office has examined the request and finds that the request to operate a small auto salvage business in an M-2 Heavy Industrial District is appropriate for the granting of a conditional use; and

WHEREAS, The Community Development Director has recommended the granting of the Conditional Use Permit with the some additional conditions as set forth in the attached report; and

WHEREAS, On the 10th day of March, 2009, the Planning Commission for the City of Alliance held a public hearing on behalf of the Conditional Use Permit for Wesley A. Fancher; and

WHEREAS, The Planning Commission voted to approve the Conditional Use Permit and forward Mr. Fancher's request for the Conditional Use Permit to the City Council for their review and consideration.

WHEREAS, The City Council has reviewed the request and determined that it is in the best interest of the City of Alliance and consistent with the zoning rules and regulations to grant a Conditional Use Permit for Wesley A. Fancher.

NOW, THEREFORE, BE IT RESOLVED that the Conditional Use Permit of Wesley A. Fancher to operate a small auto salvage operation on the part of the SW¹/₄ Section 31, Township 25 North, Range 47, West of the 6th P.M., Alliance, Box Butte County, Nebraska, is hereby authorized and approved with the additional conditions that the permit is limited to the area indicated on the attached site plan, Mr. Fancher keep all salvaged parts and vehicles inside the fenced area, the screened fence be kept in good condition and that staff review Mr. Fancher's operation annually to insure that the salvage has not expanded outside the fenced and screened areas.

Community Development Director Richard Houck explained there would be fencing on three sides with the building located on the fourth side. It will be the responsibility of the Community Development Department to monitor the operation and their adherence to the guidelines as established.

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. 09-38 as amended with the following results:

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

Voting Nay: None.

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Motion carried.

- The next item to be presented to Council was Resolution No. 09-39 awarding a contract for additional test wells at the well field and 12th Street and Missouri Avenue for arsenic compliance and quantity issues.

Mayor Yeager relinquished the chair due to a conflict of interest. Vice Mayor Rowley assumed responsibility of the chair.

Motion by Councilwoman Rowley, seconded by Councilman Kusek to approve Resolution No. 09-39 which follows in its entirety:

RESOLUTION NO. 09-39

WHEREAS, The City of Alliance has authorized competitive quotes to obtain bids for Test and Observation Well for the Water System Improvements pursuant to bid number 009-2176; and

WHEREAS, Six (6) Invitations were issued, and four (4) responses were received; and

WHEREAS, The bid of Charles Sargent Irrigation, Inc., a Nebraska Corporation, of Broken Bow, Nebraska appears to be the lowest, responsive, and responsible bid; and

WHEREAS, Olsson and Associates has recommended that the City include the alternate bid that was requested; and request a change order under the bid price for a total in the amount of \$141,490.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, the contract for the Test and Observation Well is hereby awarded to Charles Sargent Irrigation, Inc., of Broken Bow, Nebraska in an amount of \$141,490.00, which includes the Base Bid and the Alternate Bid at the prices quoted in the bid.

BE IT FURTHER RESOLVED, that City staff shall notify the successful bidder so that work can proceed according to the bid specifications.

Roll call vote with the following results:

Voting Aye: Rowley, Kusek, Benzel, Feldges.

Voting Nay: None.

Abstaining: Yeager.

Motion carried.

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- The next item for Council's consideration was Resolution No. 09-40 authorizing the City of Alliance to offer swimming lessons for a fee.

Motion by Councilman Feldges, seconded by Councilwoman Rowley to approve Resolution No. 09-40.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to amend Resolution No. 09-40 at the fourth Whereas to read "The City desires to charge a fee per person for the lessons and be authorized to provide reduced lessons to families who qualify financially with a minimum of \$5.00", and the last paragraph should read "to provide lessons at reduced fees to qualifying families."

RESOLUTION NO. 09-40

WHEREAS, The City of Alliance has the Big Blue Bay swimming pool complex; and

WHEREAS, The City desires to provide swimming lessons for the community; and

WHEREAS, The City will incur expenses in hiring instructors to provide the lessons; and

WHEREAS, The City desires to charge a fee per person for the lessons and be authorized to provide reduced lessons to families who qualify financially with a minimum of \$5.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the City Staff is authorized to provide swimming lessons at the Big Blue Bay swimming pool complex.

BE IT FURTHER RESOLVED that City Staff is authorized to charge a fee of Twenty Five Dollars per person for the lessons.

BE IT FURTHER RESOLVED that City Staff is authorized to follow the State of Nebraska guidelines for reduced or free school lunches to determine financial need and to provide lessons at reduced fees to qualifying families.

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. 09-40 as amended with the following results:

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

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Voting Nay: None.

Motion carried.

- Resolution No. 09-41 authorizing the establishment of a special golf day to encourage increased membership at Skyview Golf Course was the next item to be reviewed by Council.

Motion by Mayor Yeager, seconded by Councilman Benzel to approve Resolution No. 09-41 which follows in its entirety:

RESOLUTION NO. 09-41

WHEREAS, The City of Alliance owns the Alliance Municipal Golf Course; and

WHEREAS, The Panhandle Men's Club has requested permission to establish a special golf day on May 28, 2009 where a member of the Panhandle Men's Club can invite one guest and the green fees for that guest will be waived on that day; and can make recommendations designed to increase the membership at the golf course; and

WHEREAS, The desire is to find ways to encourage increased membership at the golf course and to better utilize the golf course; and

WHEREAS, The Men's Club has offered to provide a steak meal free to their guests at the end May 28, 2009; and

WHEREAS, Staff is requesting authority to establish a special golf day where a member of the Panhandle Women's Club can invite one guest and the green fees for that guest will be waived on that day; and

WHEREAS, The City Council finds that encouraging membership in the Alliance Municipal Golf Course is beneficial to the City of Alliance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that The Panhandle Men's Club is granted permission to establish a special golf day on May 28, 2009 where a member of the Panhandle Men's Club can invite one guest and the green fees for that guest will be waived.

BE IT FURTHER RESOLVED that Staff is to establish a special golf day where a member of the Panhandle Women's Club can invite one guest and the green fees for that guest will be waived on that day.

Tim Garwood, 1407 Black Hills addressed Council as the Panhandle Men's Club President indicating that a vote was taken at their Spring meeting to authorize the invitation of a guest to a steak fry at the expense of the Club to encourage additional memberships. The request is asking the City to waive the green fees for the guests on May 28, 2009. He pointed out to

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Council that a provision was made within the resolution to allow the Ladies Golf Association to sponsor a membership drive also with the green fees waived for the guest. Councilwoman Rowley asked Mr. Garwood how the Club could promote membership if there are newcomers to the community that do not know a member. Mr. Garwood explained that if the membership drives are successful, there is a possibility of the City proposing to designate a Saturday of free golf. Councilwoman Rowley asked what the response would be if a Men's Club member invited a woman. Cultural and Leisure Services Director Chuck Carbert advised Council that his understanding was that the steak fry is not exclusive to men, and women could be invited. Councilman Kusek questioned the payment of green fees if the Panhandle Men's Club member does not have a golf membership. He was advised that the member would have to pay green fees but the guest would not. Councilman Feldges asked how the number and names of guests would be tracked and what type of follow up would be implemented. Mr. Garwood indicated that some type of follow up is needed but has not been discussed.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Requests to submit four separate grant applications to provide funding for the Box Butte Avenue Streetscape Project were the next items to be presented to Council.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Resolution Nos. 09-42, 09-43, 09-44, 09-45 which follow in their entirety:

RESOLUTION NO. 09-42

WHEREAS, The City of Alliance is developing plans for redoing the streetscape on Box Butte Avenue to restore it to its historic appearance; and

WHEREAS, The United States Department of Agriculture has implemented a USDA Rural Development Community Facility Loan/Grant for the assistance in sidewalk, streets and street lighting; and

WHEREAS, The City of Alliance streetscape for Box Butte Avenue qualifies under the rules of the United States Department of Agriculture for this loan/grant; and

WHEREAS, The Community Development Director has requested that the City of Alliance be granted the authority to submit an application to the United States Department of Agriculture to apply for the USDA Rural Development Community Facility Loan/Grant for funding of Box Butte Avenue streetscape; and

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WHEREAS, City Council finds it is in the best interest of the City to authorize the application for that loan/grant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the Mayor and the City Clerk are hereby authorized to execute documents required to apply for the financial assistance from the USDA Rural Development to apply for a USDA Rural Development Community Facility Loan/Grant for the financial assistance for sidewalk, streets and street lights.

RESOLUTION NO. 09-43

WHEREAS, The City of Alliance is developing a plan to redo the streetscape in downtown Alliance to restore its historic appearance; and

WHEREAS, The Nebraska Department of Roads is receiving applications for funds under the Transportation Enhancement Program; and

WHEREAS, The City of Alliance streetscape is eligible for the enhancement funds and is authorized to apply for the enhancement funds; and

WHEREAS, The City has a minimum of 20% non federal cash match in the budget to meet any grant that might be given; and

WHEREAS, The Community Development Director has requested authority to make an application to the Department of Roads under the Transportation Enhancement; and

WHEREAS, City Council finds it is in the best interest of the City of Alliance to apply for the grant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that staff is authorized to file an Intent to Apply Form and make final application for funding from the Nebraska Department of Roads-Transportation Enhancement Program.

RESOLUTION NO. 09-44

WHEREAS, The City of Alliance is developing plans for redoing the streetscape on Box Butte Avenue to restore it to its historic appearance; and

WHEREAS, Part of the streetscape will include landscape, including planting of trees; and

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WHEREAS, The Nebraska Statewide Arboretum has funds available for community, forestry and landscape for Nebraska in its grant programs; and

WHEREAS, The City of Alliance is authorized to apply for those grants; and

WHEREAS, The Community Development Director of the City of Alliance is requesting permission to file a grant application to request funding from the Nebraska Statewide Arboretum for funding of landscaping and tree planting for the Box Butte Avenue streetscape; and

WHEREAS, City Council finds it is in the best interest of the City to make application for the grant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that staff is authorized to file a grant application request form with the Nebraska Statewide Arboretum for the community, forestry and landscape grant programs for Nebraska.

RESOLUTION NO. 09-45

WHEREAS, The City of Alliance is developing plans for redoing the streetscape on Box Butte Avenue to restore it to its historic appearance; and

WHEREAS, Senator Ben Nelson is receiving applications for the fiscal year 2010 appropriations; and

WHEREAS, The City of Alliance is authorized to submit an application; and

WHEREAS, The Community Development Director has requested permission to file an application for funds with Senator Ben Nelson's office for fiscal year 2010 appropriations; and

WHEREAS, The Council finds it is in the best interest of the City of Alliance to apply for the funds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that staff is authorized to submit an application to Senator Ben Nelson's office requesting appropriations for the physical year 2010 to be expended on the downtown Box Butte Avenue streetscape.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

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- The next item for Council's consideration was Resolution No. 09-46 authorizing the City to enter into an Agreement with the Nebraska Game and Parks to improve the wildlife habitat on airport property.

Motion by Councilwoman Rowley, seconded by Councilman Feldges to approve Resolution No. 09-46 which follows in its entirety:

RESOLUTION NO. 09-46

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

WHEREAS, Part of the Alliance Municipal Airport property has been under a Conservation Reserve Program contract (CRP); and

WHEREAS, That contract expired on September 30, 2008; and

WHEREAS, The Nebraska Game and Parks Commission in conjunction with Pheasants Forever has requested to do improvements on the property described as Tract "O"; and

WHEREAS, The Council finds that it is in the best interest of the City of Alliance and the public to approve the contract.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the Mayor is authorized to execute an agreement with the Nebraska Game and Parks Commission to do improvements in the habitat on Tract "O" for pheasants, grouse, songbirds and other resident and migratory wildlife.

BE IT FURTHER RESOLVED that the annual payment to be received by the City of Alliance is Four Thousand One Hundred Seventy and no/100ths Dollars (\$4170.00).

Emily Munter, 6396 Jefferson, District Habitat Manager Nebraska Game and Parks Commission and Dustin Darveau, 1408 E. 1st Street, Nebraska Game and Parks Commission addressed Council indicating the primary interest will be the introduction of pheasant and grouse.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was Resolution No. 09-47 adopting the Alliance Municipal Airport Self-Fueling Policy.

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Motion by Councilman Kusek, seconded by Councilman Feldges to approve Resolution No. 09-47 which follows in its entirety:

RESOLUTION NO. 09-47

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

WHEREAS, There has been a request to authorize the owner or lessee of an airplane to self-fuel their airplane at the airport; and

WHEREAS, Staff has drafted a Policy to implement the issuance of a permit which will authorize a person to self-fuel their personally owned or leased aircraft at the airport; and

WHEREAS, City Council has reviewed the Policy and has determined that it is appropriate for authorizing self-fueling at the Alliance Municipal Airport.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the Alliance Nebraska Municipal Airport General Aviation Self-Fueling Policy which is attached hereto and incorporated herein is hereby adopted and approved as a Policy of the City of Alliance.

BE IT FURTHER RESOLVED that staff is authorized to develop an application for a permit consistent with the Policy.

BE IT FURTHER RESOLVED that the Airport Manager is authorized to grant a Self-Fueling Permit to an individual who has complied with all of the requirements of this Policy.

City Manager Caskie explained the Airport Certification Manual states there will be no self-fueling. If a policy is adopted, a change can be made to the manual.

Fire Chief Troy Shoemaker advised Council that he observed a bulk fueling tank at the airport that did not meet safety requirements on an inspection in September, 2008. He indicated that the City did not have a Self-Fueling Policy in place to allow Tony Peterson of Last Pass Aviation to self-fuel. City Manager Caskie advised Council that the issues of self-fueling and hot-fueling have been separated. Self-fueling is fueling your own aircraft and hot-fueling is the practice of fueling your aircraft while it is running. The City has the right to allow self-fueling; however, the State of Nebraska is the only entity that has the authority to allow hot-fueling. The City has referred Mr. Peterson to the State Fire Marshal's office. If the State Fire Marshal allows hot-fueling, the City would be authorized to adopt another policy authorizing hot-fueling.

Jon Worthman, 6422 Logan Road, addressed Council as legal representation for Last Pass Aviation. He advised Council that Mr. Peterson's spraying season is about to begin and he does not want to be shut down. He stated that the City contends that it does not have the right to allow self-fueling; but the FAA indicates that self-fueling shall be allowed at grant assurance classification airport. Mr. Worthman told Council that Mr. Peterson has been self-fueling and hot-fueling for the past 15 years which is the normal practice in agricultural use. He pointed out

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to Council that paragraph three of the Self-Fueling Policy must be amended to remove the non-commercial designation to allow Mr. Peterson to operate his business and that numerous times throughout the season aircraft other than that owned by Mr. Peterson, take off from his load pad so the verbage owned or operated must also be removed. Mr. Worthman is concerned about a fee structure that has not yet been set. Mr. Peterson has approached the City about the process to become a Fueling Agent.

Councilman Kusek requested that staff consider changing the language in paragraph three of the Self-Fueling Policy to read “owned, operated or contracted by the permittee.”

Motion by Councilman Kusek, seconded by Councilman Benzel to amend Resolution No. 09-47 to remove “, non-commercial purposes,” in paragraph three of the Self-Fueling Policy.

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. 09-47 as amended with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 09-48 adopting a policy for the City’s Identity Theft Prevention Program to provide a method to protect utility customers from potential identity theft was the next item to be discussed by Council.

Motion by Councilman Feldges, seconded by Councilwoman Rowley to approve Resolution No. 09-48 which follows in its entirety:

RESOLUTION NO. 09-48

WHEREAS, The City of Alliance provides utility service, including but not limited to, electricity, water, sewer, and refuse services to residential and commercial customers in and around Alliance, Nebraska; and

WHEREAS, The City uses open accounts for their customers to charge for those services and then receipt payment following the delivery of the services; and

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WHEREAS, The Federal Government through legislation and regulation (16 CFR § 681-2) requires the adoption and institution of a written identity theft prevention program; and

WHEREAS, The City of Alliance is defined under the Federal Regulations as a creditor that maintains and offers accounts for which there is a reasonably foreseeable risk of identify theft; and

WHEREAS, City staff has drafted an Identity Theft Prevention Program; and

WHEREAS, City Council has reviewed the Identity Theft Prevention Program and determines it is in the best interest of the City to adopt the Identity Theft Prevention Program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the Identity Theft Prevention Program of the City of Alliance for the Utility Customer Service Office which is attached to this Resolution and incorporated herein by this reference is adopted and approved as the Policy of the City of Alliance.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that said Program is appropriate to the size and complexity of the City of Alliance and the scope of its activities; and that the Program is reasonably calculated to identify and detect relevant Red Flags indicating a potential risk of identity theft, and includes appropriate responses to such Red Flags that will mitigate and prevent identity theft.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the Finance Director will review the Program from time to time in order to update policies as needed, in order to reflect changes in risks to the City's customers.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 09-49 authorizing the use of \$8,500.00 from the City Council Contingency Fund to complete the plan for Caselle training and the purchase of the Human Resources module and Resolution No. 09-50 granting permission for the consolidation of the City's bank accounts to optimize the use of its software capabilities were the next issues for Council's discussion.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Resolution Nos. 09-49 and 09-50 which follows in their entirety:

RESOLUTION NO. 09-49

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WHEREAS, The City of Alliance maintains computer records to account for all money received and funds transferred and disbursed; and

WHEREAS, The City staff desires to implement a new money and accounting software entitled "Clarity" to more efficiently track all money and expenditures; and

WHEREAS, The change to the new Clarity software permits the inclusion of the purchase of the Human Resources module which will increase efficiency in maintaining personnel records; and

WHEREAS, The change to the new Clarity software will require training for staff to efficiently utilize the new computer software; and

WHEREAS, Staff is requesting that additional software purchase and training expenses of approximately Thirteen Thousand Five Hundred and No/100ths Dollars (\$13,500.00) and is requesting Eight Thousand Five and No/100ths Dollars (\$8,500.00) be paid out of Council Contingency and the remaining balance to be paid out of operational funds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the Finance Director is authorized to purchase the Clarity Human Resource Module.

BE IT RESOLVED that the Finance Director is authorized to pay for the training of staff.

BE IT RESOLVED that the Finance Director is authorized to pay for the additional software purchase and training expenses of approximately Thirteen Thousand Five Hundred and No/100ths Dollars (\$13,500.00) from the following: Eight Thousand Five Hundred and No/100ths Dollars (\$8,500.00) to be paid out of Council Contingency and the remaining balance to be paid out of operational funds.

RESOLUTION NO. 09-50

WHEREAS, The City of Alliance maintains different funds for different departments for the operation of the City of Alliance; and

WHEREAS, The City has maintained the money for those different funds in separate bank accounts; and

WHEREAS, Significant staff time has been expended in transferring money between bank accounts to utilize the different bank accounts and to provide financial accounting for the City of Alliance; and

WHEREAS, The City desires to consolidate money from the different funds into a smaller number of bank accounts all as set forth in the documents which are included with the Council packet; and

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WHEREAS, The consolidation of the money into bank accounts will streamline the financial systems process in the City of Alliance; and

WHEREAS, The City Council determines that the transferring of money into different accounts and a consolidation of bank accounts will make the financial accounting more efficient.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that staff is authorized to consolidate bank accounts and to move those accounts from bank to bank as set forth in the document attached hereto and incorporated herein, to streamline the financial system process for the City of Alliance.

BE IT FURTHER RESOLVED that staff is authorized to comingle the money in the different bank accounts provided that financial records are maintained to identify the money that is allocated to the different funds.

BE IT FURTHER RESOLVED that staff is authorized to close bank accounts that are no longer being utilized at such time as is appropriate considering any outstanding activity on each account so long as all accounts that are no longer necessary are closed by the end of the fiscal year.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The last item for Council's review was Resolution No. 09-51 authorizing the waiver of fees to the Alliance Landfill for residents during the Alliance City Wide Clean Up Days which will take place May 11 – 16, 2009.

Motion by Councilwoman Rowley, seconded by Councilman Benzel to approve Resolution No. 09-51 which follows in its entirety:

RESOLUTION NO. 09-51

WHEREAS, The City of Alliance maintains the City of Alliance Landfill; and

WHEREAS, The City desires to encourage its residents to clean up trash and debris that may have accumulated around their property; and

WHEREAS, The City desires to waive the landfill fees and state-mandated costs to take care of the trash and debris that is collected by the landfill; and

April 16, 2009

WHEREAS, Said expenses for the landfill and the expenses to hire people to collect trash and debris and deliver it to the landfill will need to be paid.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Alliance that the 11th day through the 16th day of May will be Alliance City Wide Clean Up Days.

BE IT FURTHER RESOLVED the City of Alliance Landfill will waive all fees for the trash and debris that is delivered to it during those days by the residents of the City of Alliance, except for construction and demolition materials.

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 8:40 p.m.”

Ralph Yeager, Mayor

(SEAL)

Linda S. Jines, City Clerk