

June 4, 2009

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, JUNE 4, 2009

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

The Alliance City Council met in a Regular Meeting, June 4, 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 May 28, 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 June 4, 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 on Council's agenda was to excuse Councilwoman Rowley from the meeting.

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

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

June 4, 2009

- The next order of business was to appoint a President Pro-Tem of Council when necessary for this meeting.

Motion by Councilman Benzel, seconded by Councilman Feldges to appoint Councilman Kusek President Pro-Tem of Council when necessary for this meeting.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

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

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

CONSENT CALENDAR – JUNE 4, 2009

1. Approval: Minutes of the Regular City Council Meeting, May 21, 2009
2. Approval: Minutes of the Alliance Community Development Agency Meeting, May 26, 2009.
3. Approval: Payroll and Employer Taxes for the period May 2, 2009 through May 15, 2009 inclusive: \$158,206.04 and \$11,236.08 respectively.
4. Approval: Claims against the following funds for the period May 18, 2009 through June 1, 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; \$947,971.40.
5. Approval: Resolution No. 09-71 granting a Special Designated License to the Alliance Jaycees for their Heritage Days Beer Garden on July 15 – 18, 2009.
6. Approval: The issuance of a Cemetery Certificate to A.H. Magnuson and Victor Hoffmann for the North One Half (N1/2) of Lot Eight (8), Section Two (2), Block Two (2), Original Plat to the Alliance Cemetery.
7. Approval: Issuance of the following Contractor Licenses:

General Contractor

Eric Fuller dba Fuller Construction Co., Inc.
KONE, Inc. dba KONE, Inc.

June 4, 2009

Master Plumber	Doyle Steggs dba Steggs Plumbing Joe Weber dba Weber Plumbing & Heating
Repair & Maintenance	Dana Daniels dba Advance Air Justin DeVeny dba PDQ Construction
Limited & Specialty	Kenneth Schwegler dba K-Designers
Gas Fitter	Joe Weber dba Weber Plumbing & Heating
Master HVAC	Dana Daniels dba Advance Air

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.

Motion by Councilman Benzel, seconded by Councilman Feldges to amend the Consent Calendar by deleting Item 2.

Roll call vote on the amendment with the following results:

Voting Aye: Kusek, Benzel, Feldges.

Voting Nay: None.

Abstaining: Yeager.

Motion carried.

Roll call vote on the Consent Calendar as amended with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- The final reading of Ordinance No. 2640 amending the Alliance Municipal Code by adding Section 3-313 in Chapter 3 – Traffic Regulations was the next item to be discussed by Council.

Motion by Councilman Benzel, seconded by Councilman Kusek to approve Ordinance No. 2640 on third reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2640

June 4, 2009

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY ADDING SECTION 310.01, ARTICLE 3 AT CHAPTER 3, RELATING TO SECURING LOADS IN OR ON ANY VEHICLE; 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 operation of vehicles to provide for public safety and welfare and to regulate traffic flow on City streets highways and alleys.

SECTION 2. To regulate the securing of loads in or on any vehicle on any city street, highway or alley the Alliance Municipal Code at Chapter 3, shall be amended to include Article 3, Section 310.01 as follows:

3-310.01. SECURING LOADS IN OR ON ANY VEHICLE.

It shall be unlawful for any vehicle to be driven or moved on any street, highway, or alley unless such vehicle is constructed or loaded that the load is secured in such a manner as to prevent its contents from dropping or otherwise escaping from the vehicle.

Any person who operates, drive or moves any vehicle in violation of this ordinance and the contents of the vehicle drop or otherwise escape from said vehicle shall be responsible for all damages occurring to other persons or property as a result of his or her negligence. Said person shall also be responsible for cleaning any street, highway or alley of any item which drops or otherwise escapes onto any street, highway or alley.

All persons violating this provision shall be penalized as provided in 12-101 of this Code.

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.

Voting Nay: Kusek, Benzel, Feldges.

Motion failed.

- The next item on Council's agenda was Resolution No. 09-72 granting permission to the Alliance Chamber of Commerce for use of City property to conduct Heritage Days activities.

June 4, 2009

Motion by Councilman Feldges, seconded by Councilman Benzel to approve Resolution No. 09-72 which follows in its entirety:

RESOLUTION NO. 09-72

WHEREAS, The Alliance Chamber of Commerce annually conducts events celebrating “Heritage Days”; and

WHEREAS, The Heritage Days Committee of the Alliance Chamber of Commerce has requested street closures and traffic direction restrictions to facilitate Heritage Days events; and

WHEREAS, City staff has considered the requests, communicated with Chamber of Commerce staff, and has made recommendations to City Council regarding the requests of the Heritage Days Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the following modifications and restrictions to the use of City streets to facilitate Heritage Days events are hereby approved:

1. Use of City streets for 5k and 10k runs, along the routes shown on the attached map. No closures.
2. Closure of involved streets for Heritage Days Annual Parade - 600 Block of Black Hills Avenue, south to Third Street, east to Mississippi - 9 a.m. July 18, 2009 until completion of parade.
3. Closure of Box Butte Avenue and exclusive use of parking lot at Fourth Street and Niobrara Avenue for Carnival and Vendor area. Box Butte Avenue 300, 400, and 500 Blocks, Lots 1, 2, 3, Block 15 Original Town (the parking lot at Fourth Street and Niobrara Avenue.) Closure beginning 12:01 a.m. July 14, 2009 for all except the 300 Block of Box Butte, which will close at 3:00 p.m. on July 15, 2009. Closures to extend to undetermined time on Sunday, July 19, 2009.
4. Street use restriction, Fourth Street from Laramie Avenue to Niobrara Avenue. Use restricted to emergency and postal vehicles from 5:00 p.m. July 15, 2008 through Saturday, July 18, 2009 at 12:00 midnight. Police escorts are required for postal trucks arriving between 8:30 p.m. and 9:00 p.m.
5. Closure of the 200 Block of Box Butte Avenue. Closure from Friday, July 17, 2009 at noon until Saturday, July 18th at midnight.
6. Exclusive use of the East half of Block 28, Original Town (the parking lot on the West side of Box Butte Avenue between First and Second Streets), parking is allowed July 15th to 18th 2009 for Heritage Days events.
7. Exclusive use of Blocks 1 and 4 Box Butte Addition, east of Snake Creek Trail between Tenth and Twelfth Streets on July 14, 2009 between 3:30 p.m. and 9:00 p.m. for

June 4, 2009

Heritage Days Family Night activities.

8. One-way traffic modifications:

- Niobrara Avenue: Use is restricted to north bound one-way traffic only between the hours of 3:30 p.m. and 9:00 p.m., on Tuesday, July 14, 2009, between 10th and 12th Streets.
- Sweetwater Avenue: Use is restricted to south bound one-way traffic only between the hours of 3:30 p.m. and 9:00 p.m., on Tuesday, July 14, 2009, between 10th and 14th Streets.
- 12th Street - Use is restricted to east bound one-way traffic only between the hours of 3:30 p.m. and 9:00 p.m., on Tuesday, July 14, 2009, between Niobrara and Sweetwater.

BE IT FURTHER RESOLVED, The Alliance Chamber of Commerce must provide, at their expense, all traffic control devices and personnel to enforce the one-way travel. The requirements for control and personnel shall be established by the City Street Department. The City Manager shall have the authority to revoke permission for the one-way traffic if insufficient resources exist to safely enforce the restriction.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- The next item to be discussed by Council was Resolution No. 09-73 designating 1603 Box Butte Avenue as a dog park.

Motion by Councilman Kusek, seconded by Councilman Feldges to approve Resolution No. 09-73 which follows in its entirety:

RESOLUTION NO. 09-73

WHEREAS, Alliance Dog Owners Group, (A.D.O.G) desires to establish a dog park within the City of Alliance; and

WHEREAS, Alliance Dog Owners Group has requested that the City of Alliance make land available on Box Butte Avenue commencing at the corner of Fourteenth Street to establish a dog park; and

WHEREAS, Council believes that it is in the City's interest to establish a dog park in the City of Alliance; and

June 4, 2009

WHEREAS, Council agrees that this is an acceptable location for the establishment of a dog park.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the location at 1603 Box Butte Avenue, more particularly described as:

The South 473.76 feet of Lot 1, Block 2, Meyers Addition Replatted, An Addition to the City of Alliance, Box Butte County, Nebraska which lies South and Southwesterly of the Snake Creek Drainage Ditch

is accepted and approved as the place for the establishment of a dog park.

BE IT FURTHER RESOLVED, Staff shall work with Alliance Dog Owners Group to establish an agreement for the design, construction, funding, maintenance and all other issues related to establishment of a dog park.

City Manager Caskie advised Council the property was believed to be owned by both the City and the Alliance Public School system. It has been determined the City is the sole owner of the property.

Jay Weisgerber, 305 31st Terrace addressed Council speaking on behalf of the A.D.O.G. group. He gave a brief explanation of the proposed fencing and amenities for the dog park.

Roll call vote with the following results:

Voting Aye: Kusek, Benzel, Feldges.

Voting Nay: Yeager.

Motion carried.

- Resolution No. 09-74 authorizing staff to enter into a Grant Agreement for the Alliance Municipal Airport Project No. 3-31-003-13-2009 to rehabilitate runways 12/30 and 08/26 was the next agenda item.

Motion by Mayor Yeager, seconded by Councilman Benzel to approve Resolution No. 09-74 which follows in its entirety:

RESOLUTION NO. 09-74

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

WHEREAS, There are runways on the Alliance Municipal Airport that need to be treated by applying a seal coat; and

WHEREAS, The City authorized the Nebraska Department of Aeronautics to act as the City of Alliance Municipal Airport's agent for the application of the seal coat on the runway; and

June 4, 2009

WHEREAS, An Invitation to Bid was published and the bid of Hi-Lite Markings Inc., of Adams Center, New York was the lowest, responsive, and responsible bid; and

WHEREAS, The City has received a Grant Agreement for Project No. 3-31-0003-13-2009 from the United States of America acting through the Federal Aviation Administration; and

WHEREAS, The Federal Aviation Administration has approved a project for the Airport consisting of Rehabilitating Runways 12/30 and 08/26 (including Crack Repair, Seal Coat and Pavement Markings); and

WHEREAS, To proceed with the Project the City needs to execute the Grant Agreement; and

WHEREAS, Council believes that it is in the best interest of the City to ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and the Grant offer which is included in the Council packet.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to enter into the Grant Agreement for the Alliance Municipal Airport Project No 3-31-0003-13-2009.

BE IT FURTHER RESOLVED, Council does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and the Grant Agreement.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- The next item for Council's consideration was Resolution No. 09-75 authorizing the use of up to \$10,000 of Community Betterment Funds to assist cleaning up the site buffer area of the Veterans' Cemetery.

Motion by Councilman Benzel, seconded by Councilman Feldges to approve Resolution No. 09-75 which follows in its entirety:

RESOLUTION NO. 09-75

WHEREAS, The City of Alliance retains the ownership interest of the land around the Veteran's Cemetery; and

June 4, 2009

WHEREAS, The City of Alliance is responsible for the preparation, and maintenance of the site buffer of the Veteran's Cemetery; and

WHEREAS, Council has Community Betterment Funds available and believes it is in the City's interest to assist entities in relocating assets and cleaning up the site buffer area of the Veteran's Cemetery.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that Ten Thousand Dollars of Community Betterment Funds shall be designated for reimbursement of expenses of entities in relocating their assets from the site buffer area of the Veteran's Cemetery or for general preparation and maintenance of the site buffer area.

BE IT FURTHER RESOLVED, That Staff is authorized to allocate the designated Community Betterment Funds and all inquiries and approvals shall be through the City Manager's Office.

BE IT FURTHER RESOLVED, These Community Betterment Funds will only be available for the 2008-2009 fiscal year of the City of Alliance without further action by the City Council.

Councilman Kusek advised Council the intent of the request to use Community Betterment Funds was to assist entities in relocating their assets and cleaning up the site buffer area of the Veteran's Cemetery.

Guy Hielscher, 6550 Otoe Road addressed Council on behalf of the Rifle Club indicating that many of the expenses associated with moving have already been incurred by the club. The building of an indoor range facility is an expense that the club has not addressed at this time. Mr. Hielscher asked if past bills could be submitted for reimbursement. Councilman Kusek answered he felt they could.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- Mayor Yeager surrendered the gavel to President Pro-Tem Kusek and left the chair.
- The next item for Council's consideration was Resolution No. 09-76 acknowledging the City Council's receipt of the Alliance Community Development Agency's intention to accept the Redevelopment Contract proposal submitted by MHLC, LLC,

Motion by Councilman Kusek, seconded by Councilman Benzel to approve Resolution No. 09-76 which follows in its entirety:

June 4, 2009

RESOLUTION NO. 09-76

WHEREAS, The City of Alliance pursuant to Ordinance No. 2459 created the City of Alliance Community Development Agency; and

WHEREAS, The City of Alliance Community Development Agency met, reviewed a proposed Redevelopment Agreement and deemed it to be in the public interest and in furtherance of the purposes of the Community Development law; and

WHEREAS, The City of Alliance Community Development Agency has notified the City Council of the intention of the Agency to accept the Redevelopment Contract proposal pursuant to Neb. Rev. Stat. § 18-2119 (1).

A Redevelopment Agreement has been submitted to the Agency and upon review of the proposed Redevelopment Agreement the City of Alliance Community Development Agency deems it to be in the public interest and in furtherance of the purposes of the Community Development law; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the City Council acknowledges receipt of the written notice of the City of Alliance Community Development Agency's intention to accept the Redevelopment Contract proposal submitted by MJLC, LLC.

BE IT FURTHER RESOLVED, that the City Council gives notice to the public of its intention to approve the proposed Redevelopment Contract upon the final completion of the building, the appraisal by the County Assessor and the corresponding adjustment to the total amount of construction that qualifies for Tax Increment Financing.

Roll call vote with the following results:

Voting Aye: Kusek, Benzel, Feldges.

Voting Nay: None.

Not Voting: Yeager.

Motion carried.

- President Pro-Tem Kusek yielded the chair to Mayor Yeager.
- The last item on Council's agenda was a board appointment.

Motion by Councilman Feldges, seconded by Councilman Benzel to re-appoint Trish Worthman to the Museum Board for a term expiring May, 2014.

June 4, 2009

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- Mayor Yeager acknowledged the service of Tony Tolstedt as the Administrative Assistant to the City Manager.
- Mayor Yeager stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:42 p.m.”

Ralph Yeager, Mayor

(SEAL)

Linda S. Jines, City Clerk