

September 24, 2009

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, SEPTEMBER 24, 2009

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

The Alliance City Council met in a Regular Meeting, September 24, 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 September 17, 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 September 24, 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.

Mayor Yeager advised Council that Item 7 has been removed from the Consent Calendar.

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

CONSENT CALENDAR – SEPTEMBER 24, 2009

1. Approval: Minutes of the Regular Meeting, September 3, 2009.
2. Approval: Payroll and Employer Taxes for the period August 22, 2009 through September 4, 2009 inclusive: \$165,117.93 and \$11,760.03 respectively.

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3. Approval: Claims against the following funds for the period August 31, 2009 through September 21, 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; \$2,243,985.43.
4. Approval: The issuance of a Master HVAC Contractor License to Marlyn Schultz dba Johnson Controls, Inc.
5. Approval: The issuance of a Cemetery Certificate to Mary West for the South East Quarter (SE1/4) of Lot Nine (9), Section Four (4), Block Three (3), Original Plat to the Alliance Cemetery.
6. Approval: The issuance of a Cemetery Certificate to Box Butte County for the South One Half (S1/2) of Lot Seven (7), Section One (1), Block Seventeen (17), Second Addition to the Alliance Cemetery.
7. ~~Approval: Request of the Alliance Area Chamber of Commerce for a street closure for their first annual Redneck Roundup which will be held on Saturday, October 10, 2009. They are requesting the closure of Box Butte Avenue between 10th and 3rd Streets for an Ugly Truck Parade. The parade will begin at 10 a.m. with line up to start at 9:00 a.m. In addition, they would like to have Box Butte Avenue between 1st and 3rd Street closed on Saturday, October 10th between 7:00 a.m. and 6:00 p.m. to hold several events including Redneck Olympics, Mullet Contest, Cow Pie Bingo, Dukes of Hazard look alike contest, and a Redneck invention contest. They will also be hosting the Little Twisters Rodeo at the rodeo grounds.~~
8. Approval: Resolution No. 09-110 which will authorize the payment of Request Nos. 5 and 6 to M. C. Schaff and Associates for payment on the 10th Street Improvement Project.

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 Mayor Yeager, seconded by Councilwoman Rowley to remove Item 8 from the Consent Calendar to allow discussion and a separate vote.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Councilman Kusek asked if a charge of \$6,700.00 for boiler repair at the Police Department was the total bill or the City's portion. City Manager Caskie advised Council it is

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the City's share. He also inquired about several charges for physicals and x-rays for numerous police officers. He was advised those are conducted outside the insurance program due to contract negotiations. Councilwoman Rowley questioned the variation of prices charged for the physicals. City Manager Caskie offered to investigate the charges.

Councilwoman Rowley asked about finance charges. City Manager Caskie advised Council that she believes the matter has been solved due to hand delivery of the payments to the bank. Councilman Feldges asked why lodging for Electric Superintendent Larry Heinrich was charged to Police Operations. City Manager Caskie indicated that it was a coding error. Councilman Benzel inquired about the charges to Northeast Community College. Electric Superintendent Larry Heinrich advised Council it is a charge for monthly safety meetings for the Electric Lineman. Councilman Kusek inquired about a charge for stair repair at the Municipal Building. City Manager Caskie advised Council the back concrete stairs and a portion of sidewalk have been replaced. He also asked about several charges for the airport renovation. Public Facilities Director Eric Lenz advised Council the renovation project is 99% complete. Councilman Feldges made an inquiry about a mileage charge for the renovation. City Manager Caskie advised Council that the contractor has charged for supply trips as well as to and from the job site. Councilman Kusek inquired about the progress of the crack sealing. Mr. Lenz advised Council some of the funds were encumbered to pay for the crack sealing on 20th Street.

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

Voting Aye: Rowley, Kusek, Benzel, Feldges.

Voting Nay: None.

Abstaining: Yeager.

Motion carried.

Motion by Mayor Yeager, seconded by Councilman Kusek to approve Resolution No. 09-110 authorizing the payment of Request Nos. 5 and 6 to M. C. Schaff and Associates for the 10th Street Improvement Project which follows in its entirety:

RESOLUTION NO. 09-110

WHEREAS, The City of Alliance approved a contract with M.C. Schaff and Associates to provide engineering services for the 10th Street Reconstruction Project; and

WHEREAS, M.C. Schaff and Associates have submitted the following payment requests;

Payment Request Number 5, dated June 24, 2009 in the amount of \$10,599.20
Payment Request Number 6, dated July 24, 2009 in the amount of \$7,801.30

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WHEREAS, The City staff has submitted Payment Request 5 and 6 to City Council for its review and requests that these Payment Requests be approved for payment; and

WHEREAS, The City Council has reviewed the Payment Requests and desires to approve the payment of M.C. Schaff and Associates Payment Requests 5 and 6.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that M.C. Schaff and Associates Payment Request Number 5, dated June 24, 2009 in the amount of \$10,599.20 and Payment Request Number 6, dated July 24, 2009 in the amount of \$7,801.30 are hereby approved.

BE IT FURTHER RESOLVED, that City staff is authorized to proceed with the payment of Payment Request 5 and 6 to M.C. Schaff and Associates.

Mayor Yeager asked if an analysis has been conducted on the concrete through cylinder samples or merely crush tests. Public Facilities Director Eric Lenz indicated crush tests have been conducted satisfactorily. Councilman Kusek asked if Infinity Construction has been paid in full. He was advised they have not. Mr. Kusek asked if the design of the project by M.C. Schaff caused the surface cracks. Mr. Lenz advised Council the surface cracks could have been caused by material and the time of year the construction took place rather than poor design. The engineering firm conducts the inspection.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next items on Council's agenda were the presentation of several proclamations.

Councilman Feldges read the proclamation for RC&D Week which follows in its entirety:

PROCLAMATION

RESOURCE CONSERVATION & DEVELOPMENT WEEK

WHEREAS, Resource Conservation & Development Councils have contributed countless hours of community service to help people care for and protect their natural resources in a way that has improved the area's economy, environment, and living standards since 1970; and

WHEREAS, The Panhandle RC&D Council, through its providing a way for people to work together to plan and carry out activities that have made our area a better place to live;

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NOW, THEREFORE, on behalf of the Alliance City Council I hereby proclaim the week of September 20, 2009 to be

“RESOURCE CONSERVATION & DEVELOPMENT WEEK”

In Alliance to recognize the fact that during this week, across the nation, Resource Conservation & Development Councils are performing community service projects to improve their communities.

AND FURTHER, I congratulate the Resource Conservation & Development Council for its continued success in brightening the future of our communities by bringing together diverse groups of local volunteers to strengthen the spirit of community service in our area, not only this week, but throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Great Seal of the City of Alliance to be affixed this 24th day of September in the year of our Lord, two thousand and nine.

The proclamation was presented to Councilman Benzel who serves on the Panhandle RC&D Council.

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

**Proclamation
Y Arts Week 2009**

WHEREAS, October 5 – 11, 2009 has been recognized as Y Arts Week by thousands of YMCAs, arts and cultural organizations, communities and states across the nation.

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

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

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

- Helps close the achievement gap, especially among disadvantaged youth
- Improves academic skills essential for reading and language development
- Builds strong mathematical skills
- Advances the motivation to learn
- Promotes positive social development

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

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NOW, THEREFORE, BE IT RESOLVED, on the behalf of the members of the Alliance City Council I do hereby proclaim October 5 – 11, 2009 as

YMCA Arts Week

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

IN WITNESS THEREOF, I have hereunto set my hand this 24th day of September in the year of the Lord Two Thousand and Nine.

Mayor Yeager read the proclamation for Public Power Week which follows in its entirety:

Proclamation Public Power Week

October 4 -10, 2009

City of Alliance Electric Department Helps Our Community in Powerful Ways

WHEREAS, We, the citizens of Alliance, Nebraska place high value on local control over community services and therefore have chosen to operate a community-owned, locally controlled, not-for-profit electric utility and, as consumers and owners of our electric utility, have a direct say in utility operations and policies; and

WHEREAS, The *Alliance Electric Department* provides our homes, businesses, farms, social service, and local government agencies with reliable, efficient, and cost-effective electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates; and

WHEREAS, The *Alliance Electric Department* is a valuable community asset that contributes substantially to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness; and

WHEREAS, The *Alliance Electric Department* is a dependable and trustworthy institution whose local operation provides many consumer protections and continues to make our community a better place in which to live and work;

NOW, THEREFORE BE IT RESOLVED: That the *Alliance Electric Department* will continue to work to bring lower-cost, safe, reliable electricity to community homes and businesses just as it has since 1911, the year when the utility was created to serve all the citizens of Alliance; and

BE IT FURTHER RESOLVED: That the week of October 4 – 10, 2009, be designated the 23rd Annual Public Power Week in order to honor the *Alliance Electric Department* for its

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contributions to the community and to make its consumer-owners, policy makers, and employees more aware of its contributions to their well-being and how it makes their lives powerful; and

BE IT FURTHER RESOLVED: That our community joins hands with more than 2,000 other public power systems in the United States in this celebration of public power and recognition that the *Alliance Electric Department* is good for customers, business, the community and the nation.

The proclamation was presented to Electric Superintendent Larry Heinrich.

Councilwoman Rowley read the proclamation for Domestic Violence Awareness Month which follows in its entirety:

Proclamation

WHEREAS, Violence against women and children continues to become more prevalent as a social problem due to societal indifference, and because of the mistaken belief of batterers that they are within their rights; and

WHEREAS, The problems of domestic violence are not confined to any group or groups of people, but crossing all social, economic, racial, religious, and affectional preference strata's of society; and

WHEREAS, The crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological, and economic control and/or abuse; and

WHEREAS, The impact of domestic violence is wide ranging directly affecting women and children and society as a whole; and

WHEREAS, It is battered women, themselves, who have been in the forefront of efforts to bring peace and equality to the home.

NOW, THEREFORE, On behalf of the Mayor and Members of the City Council of the City of Alliance, Nebraska, in recognition of the important work done by domestic violence programs and shelters, I hereby proclaim the month of October 2009, as

DOMESTIC VIOLENCE AWARENESS MONTH

In Alliance, Nebraska, and urge all citizens to actively participate in the activities and programs sponsored by Family Rescue Services to work toward the elimination of personal and institutional violence against women.

The proclamation was presented to Kathy Gibbons.

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- The next item to come before Council was a presentation regarding the proposed 2009 Comprehensive Development Plan and the first reading of Ordinance No. 2650 adopting the Comprehensive Development Plan.

Community Development Director Rick Houck provided Council with a Power Point presentation outlining the Comprehensive Development Plan.

Motion by Councilman Feldges, seconded by Councilman Kusek to approve Ordinance No. 2650 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2650

AN ORDINANCE ADOPTING A REVISED COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF ALLIANCE, PURSUANT TO §19-901 OF THE NEBRASKA STATUTES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

SECTION 1. The City of Alliance is required to have a Comprehensive Development Plan by State law, as the City enforces zoning and land-use regulations.

SECTION 2. It is advisable to periodically update the Comprehensive Development Plan to accommodate changing needs and development goals of the City.

SECTION 3. City staff has coordinated a community based process which has resulted in a revised Comprehensive Development Plan which has been submitted to the Planning Commission for review.

SECTION 4. The Planning Commission has reviewed the proposed Comprehensive Development Plan, held a public hearing, and has issued its specific recommendation that the proposed plan be approved.

SECTION 5. The City Council has reviewed the plan recommended by the Planning Commission and finds that the plan complies with the requirements of §19-903 R.R.S. 2007.

SECTION 6. The Comprehensive Development Plan submitted by City staff, recommended by the Planning Commission is hereby adopted as the Comprehensive Development Plan of the City of Alliance, effective upon the effective date of this Ordinance.

Roll call vote with the following results:

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

Voting Nay: None.

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Motion carried.

- The next item for Council's consideration was Ordinance No. 2644 amending the Alliance Municipal Code with regard to Tree Surgeon permits.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Ordinance No. 2644 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2644

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING CHAPTER 2, ARTICLE 3 TO PROVIDE FOR NURSERY – GREENHOUSE PERMITS, TO AMEND CHAPTER 5 BY CREATING ARTICLE 5 TO PROVIDE FOR THE ISSUANCE OF A TREE SURGEON'S LICENSE, TO REQUIRE INSURANCE AND TRAINING FOR A TREE SURGEON'S LICENSE AND TO MODIFY THE APPLICATION AND ISSUANCE PROCESS FOR TREE SURGEON LICENSES; AND REPEAL 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 adopted requirements for Tree Surgeon Permits in the Alliance Municipal Code.

SECTION 2. Concern has been raised regarding requiring training and liability insurance for Tree Surgeons.

SECTION 3. The City desires to adopt the new codes as listed herein.

SECTION 4. Alliance Municipal Code at Chapter 5, Article 5 shall be added as set forth herein.

SECTION 5. The Alliance Municipal Code at Chapter 2, shall be amended at Article 3, Sections 2-321 through 2-323 to read as set forth herein:

5-501. TREE SURGEON'S ~~PERMIT~~ LICENSE.

All tree surgeons, arborists, landscape gardeners, or others who work with trees and shrubbery and who receive pay therefore and who propose to ~~sell~~, plant, spray, prune, trim or otherwise ~~handle~~ **provide maintenance for** trees and shrubbery within the City of Alliance must apply for and receive a Tree Surgeon's ~~permit~~ License before doing any ~~such work~~ **planting, spraying, pruning, trimming removal or maintenance of any tree or bush or part thereof.**

5-502. INSURANCE REQUIREMENT.

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All Tree Surgeons shall obtain and maintain general liability insurance in an amount of at least One Hundred Thousand Dollars (\$100,000). Proof of Insurance shall be provided annually when application for the permit is made.

5-503. TRAINING REQUIREMENT.

Prior to the issuance of a Tree Surgeon License the applicant shall demonstrate knowledge regarding planting, spraying, pruning, trimming and removal of trees and bushes. The City of Alliance Parks Department shall be responsible for determining if an applicant has the required knowledge. The City of Alliance Parks Department shall follow the rules and regulations, as amended, regarding general procedures for planting, spraying, pruning, trimming and removal of trees so that the City of Alliance can remain a member of Tree City USA.

5-504. TREE SURGEON'S LICENSE PERMIT; CHARGE; TERM.

A charge of \$100.00 shall be made for a Tree Surgeon's License. No bond shall be necessary from a licensee. Said license shall extend to and be in force until January 1 of the next succeeding year. A charge of \$75.00 shall be made for the renewal of a Tree Surgeon's License provided there has been no lapse in the Tree Surgeon's License.

5-505. TREE SURGEON APPLICATION.

Application for a Tree Surgeon's License shall be made to the Community Development Department. A showing must accompany said application which will indicate the applicant's experience, knowledge and ability. The applicant must provide proof of insurance and proof that applicant has the requisite training as determined by the Parks Department. The Community Development Department shall receive the application and license fee and forward the completed application to the City Clerk for submission to the City Council for approval.

Upon approval of the application by the City Council, the City Clerk through the Community Development Director or his designee shall issue the Tree Surgeon's License to the applicant. Should the Council refuse to approve the application, the applicant shall be notified of such refusal and the application fee shall be refunded.

2-321. TREE SURGEON'S NURSERY – GREENHOUSE PERMIT.

All tree surgeons, arborists, landscape gardeners, or others who propose to sell, plant, spray, prune, trim or otherwise handle trees and shrubbery within the City of Alliance must apply for and receive a Nursery – Greenhouse tree surgeon's Permit before doing any such work. Sell or otherwise handle trees and shrubbery does not include providing installation, removal, spraying, pruning or trimming of trees and shrubs.

2-322. TREE SURGEON'S NURSERY – GREENHOUSE PERMIT; CHARGE; TERM.

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A charge of \$50.00 shall be made for a ~~tree surgeon's~~ Nursery – Greenhouse Permit. No bond shall be necessary from a permit holder. Said permit shall extend to and be in force until January 1 of the next succeeding year.

2-323. ~~TREE SURGEON'S~~ NURSERY – GREENHOUSE APPLICATION.

Application shall be made to the City Clerk for a ~~tree surgeon's~~ Nursery – Greenhouse Permit. A showing must accompany said application which will indicate the applicant's experience, knowledge and ability. Upon being satisfied that said showing is sufficient, the City Manager shall authorize the City Clerk to issue the Nursery – Greenhouse Permit.

The procedures for a Tree Surgeon's License and a Nursery – Greenhouse Permit shall commence effective January 1, 2010.

That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with the provisions is herewith repealed.

This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be discussed by Council was Ordinance No. 2651 amending the Alliance Municipal Code at Chapter 6, Section 511 regarding dog regulations.

Motion by Councilman Kusek, seconded by Councilman Feldges to approve Ordinance No. 2651 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2651

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING SECTION 511, ARTICLE 5 AT CHAPTER 6, RELATING TO DOGS PROHIBITED IN PUBLIC AREAS; AND REPEALING EXISTING PROVISIONS OF CITY CODE NOT CONSISTENT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

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SECTION 1. The City of Alliance has prohibited dogs in public areas including all portions of the City Park System.

SECTION 2. The City of Alliance has a dog park where dogs will be authorized to be off leash.

SECTION 3. The Alliance Municipal Code at Chapter 6, shall be amended to include the addition to Article 5, Section 6-511 as follows:

6-511. DOGS PROHIBITED IN PUBLIC AREAS.

It shall be unlawful for the owner of any dog to permit his dog to be or remain either (a) within any portion of the City Park System or any swimming pool situated therein; (b) within any enclosed athletic field or park; (c) within the Alliance Cemetery; or (d) upon any public school grounds, unless the dog shall be kept on a stout leash, rope or chain, one end of which shall be securely attached to a collar or harness worn by the dog and the other end of which shall be securely held and controlled by a person physically capable of holding and controlling the dog. **Provided that this provision shall not apply to any dog that is within the fenced area of the dog park pursuant to the guidelines established for the use of the dog park.**

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.

Motion by Councilman Benzel, seconded by Councilman Kusek to suspend the statutory rule requiring three separate readings of Ordinance No. 2651.

Roll call vote to waive the statutory reading with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2651 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

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Mayor Yeager stated, “the passage and adoption of Ordinance No. 2651 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- The next item for Council’s consideration was Ordinance No. 2652 adding a Section in Chapter 7 of the Alliance Municipal Code establishing a dog park and creating regulations for use of the dog park.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to approve Ordinance No. 2652 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2652

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA CREATING CHAPTER 7, ARTICLE 3, OF THE ALLIANCE MUNICIPAL CODE FOR THE ESTABLISHMENT OF RULES AND REGULATIONS REGARDING THE OPERATION AND MAINTENANCE OF A DOG PARK.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

SECTION 1. The City of Alliance Dog Owners’ Group has been granted authority to raise funds and determine the need and support for the establishment of a dog park.

SECTION 2. The City of Alliance Dog Owners’ Group has been granted the authority to examine possible locations for the establishment of a dog park.

SECTION 3. The dog park needs to have guidelines for its operation and use.

SECTION 4. Article 3, Chapter 7, shall be added to the City of Alliance Code, as follows:

7-301. ESTABLISHMENT AND REGULATION OF A DOG PARK.

A Dog Park is hereby established on the location of 1603 Box Butte Avenue, which is 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

7-302. RULES.

The Dog Park in the City of Alliance will be open from Sunrise to Sunset.

The City is not responsible for injuries to people or pets within or around the Dog Park.

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Use of the Dog Park is at the users own risk and each person assumes any and all liability for the use of the Dog Park including but not limited to sickness, injury or death to persons or pets and damage to property.

Dogs are permitted to run loose in the Dog Park, but must be on a leash prior to entering the Dog Park and returned to the leash before they leave the Dog Park.

That any other ordinance or Section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with the provisions is herewith repealed.

This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 09-103 approving an Agreement with the Nebraska Department of Roads for the resurfacing of the existing highway beginning at the north corporate limits and extending south to near Country Club Road including shoulder widening at West 10th Street was the next item to be brought to Council.

Motion by Mayor Yeager, seconded by Councilwoman Rowley to approve Resolution No. 09-103 which follows in its entirety:

RESOLUTION NO. 09-103

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

WHEREAS, The State of Nebraska has jurisdiction in matters involving extensions of State Highways through corporate areas as provided by Nebraska Revised Statute.

WHEREAS, The State of Nebraska has determined that Highway 385 North is in need of repair; and

WHEREAS, The State of Nebraska has prepared an Agreement for the City of Alliance to assume responsibilities for part of the duties necessary to the milling and resurfacing of Highway 385 North commencing at 3rd Street and proceeding North through 10th Street; and

WHEREAS, The State of Nebraska has made available "State Funds" for the construction of improvements to Highway 385 under Project No. RD-385-4(1033); and

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WHEREAS, The City of Alliance agrees that Highway 385 is in need of repair; and

WHEREAS, The Mayor and City Council deem it expedient to enter into the Agreement with the State of Nebraska to assume responsibilities for part of the duties necessary for the improvement to Highway 385 in the City limits of Alliance.

NOW, THEREFORE, BE IT RESOLVED, By the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to execute the Agreement between the City of Alliance and State of Nebraska Department of Roads for Project No. RD-385-4(1033) for the improvement of Highway 385 in Alliance, Nebraska including the milling and resurfacing of Highway 385 North commencing at 3rd Street and proceeding North through 10th Street.

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

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 Resolution No. 09-104 renewing the City's Interlocal Agreement with the Pine Ridge Mutual Aid Association.

Motion by Councilwoman Rowley, seconded by Councilman Feldges to approve Resolution No. 09-104 which follows in its entirety:

RESOLUTION 09-104

WHEREAS, The City of Alliance operates the City of Alliance Fire Department; and,

WHEREAS, The City has been participating in the Pine Ridge Mutual Aid Association Interlocal Agreement; and,

WHEREAS, The City has been requested to continue its commitment by signing a new copy of the original agreement; and,

WHEREAS, The City of Alliance believes that it is beneficial to renew the City's commitment to the Pine Ridge Mutual Aid Association Interlocal Agreement, in case the City of Alliance would need assistance or so the City can provide assistance to other members who may need assistance in case of a disaster covered under the agreement.

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to sign the Pine Ridge Mutual Aid Association Interlocal Agreement to authorize the City of Alliance to be an eligible participant.

BE IT FURTHER RESOLVED, that the Fire Chief in cooperation with the City Manager shall be responsible for reviewing requests for assistance and determining what equipment and employees can be sent to respond to a qualifying fire or disaster in another political subdivision.

BE IT FURTHER RESOLVED, that the City of Alliance will provide services in the form of personnel, equipment, material and other associated services in the case of a fire to provide fire prevention, fire extinguishment, volunteer rescue services, and disaster assistance as determined to be available by the Fire Chief and with the consent of the City Manager.

BE IT FURTHER RESOLVED, that the Fire Chief and the City Manager shall be responsible for determining when to request mutual aid under this agreement for services in the form of personnel, equipment, material and other associated services in the case of a fire to provide fire prevention, fire extinguishment, volunteer rescue services, and disaster assistance.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 09-105 changing the time of the October 8, 2009 City Council meeting from 7:00 p.m. to 5:30 p.m. was the next item on Council's agenda.

Motion by Councilman Benzel, seconded by Councilman Feldges to approve Resolution No. 09-105 which follows in its entirety:

RESOLUTION NO. 09-105

WHEREAS, The City Council, pursuant to Nebraska Statute and 1-101 of the Alliance Municipal Code, has the authority to establish a calendar of regular meeting dates; and

WHEREAS, The City Council has the authority, by resolution adopted not less than one week prior thereto, to change its regular time of meeting; and

WHEREAS, Due to a scheduling conflict the Council would like to change the time for their normal meeting on October 8, 2009 from 7:00 p.m. to 5:30 p.m.

NOW THEREFORE BE IT RESOLVED, By the Mayor and Council of the City of Alliance, Nebraska, that the regular meeting of the Alliance City Council scheduled for October 8, 2009 will be rescheduled so that the meeting will commence at 5:30 p.m.

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Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next matter before Council was consideration of Resolution No. 09-106 which is the first of a series in updating the City of Alliance Employee Personnel Manual.

Motion by Councilman Feldges, seconded by Councilman Benzel to approve Resolution No. 09-106 which follows in its entirety:

RESOLUTION NO. 09-106

WHEREAS, The City of Alliance is revising certain personnel policies; and

WHEREAS, The proposed policy revisions have been prepared and reviewed by management and legal staff; and

WHEREAS, The following Policies are presented in their original form or with proposed revisions for Council to approve as personnel policies of the City of Alliance:

Welcome to the City of Alliance
 General Purpose /Scope
 City of Alliance Formation
 Code of Ethics
 Role of Mayor and City Council
 Role of City Manager
 Role of City Clerk
 Civil Service Board
 Equal Employment Opportunity
 American's With Disabilities Act (ADA) Policy
 At-Will Employment
 Personnel Records
 Employee Identification Cards

and,

WHEREAS, City Council has reviewed the proposed Policies and finds them appropriate for the needs of the employees of the City of Alliance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the City of Alliance Personnel Policies set forth herein, are hereby approved, and adopted effective October 1, 2009, as the Policy of the City of Alliance.

September 24, 2009

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. 09-107 approving the encumbrance of outstanding purchase orders as of September 24, 2009.

Motion by Councilman Kusek, seconded by Councilman Rowley to approve Resolution No. 09-107 which follows in its entirety:

RESOLUTION NO. 09-107

WHEREAS, The City of Alliance is responsible for the construction, operation and maintenance of departments and facilities in the City of Alliance; and

WHEREAS, Projects were budgeted for completion in the 2008-2009 Budget; and

WHEREAS, Some of the Projects have not been completed and the funds for the project need to be encumbered from the 2008-2009 Budget so that the funds can be shown as expenditures in the 2009-2010 Budget.

WHEREAS, The Council had determined that the project should be completed and that the funds should be encumbered.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the funds from the departments as listed in the attached document will be encumbered from the 2008-2009 Budget for expenditure in the 2009-2010 Budget.

BE IT FURTHER RESOLVED that the 2009-2010 Budget is hereby amended to provide for the allotment and expenditure of these funds.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

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- Resolution No. 09-108 authorizing participation in the League Interlocal Group Health Team Agreement and an Administrative Services Agreement with RCI, Inc. and Resolution No. 09-111 establishing health plan rates were the next items for Council's review.

Motion by Mayor Yeager, seconded by Councilman Benzel to approve Resolution No. 09-108 which follows in its entirety:

RESOLUTION 09-108

WHEREAS, The Interlocal Cooperation Act, Section 13-801 to 13-827, allows local governments to join together to make the most efficient use of their taxing authority and other powers; and

WHEREAS, Pursuant to the Interlocal Cooperation Act, the League of Nebraska Municipalities – League Interlocal Group Health Team (LNM-LIGHT) is established by municipalities for the benefit of municipal employees; and

WHEREAS, The City Council of the City of Alliance, Nebraska desires to participate in LNM-LIGHT, which the City Council believes is in the best interests of its employees, in order to make a collective submission to purchase health care reinsurance coverage from a single reinsurance carrier licensed in the State of Nebraska at more favorable rates and terms from a single reinsurance carrier than a municipality may obtain by itself; and

WHEREAS, The City Council further desires to enter into an Administrative Services Agreement with Regional Care, Inc. for the self-funded employee benefit program provided for municipal employees.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the City of Alliance hereby:

1. Approves the document entitled League of Nebraska Municipalities – League Interlocal Group Health Team Agreement ("LNM-LIGHT Agreement");
2. Enters into the LNM-LIGHT Agreement for participation in LNM-LIGHT;
3. Approves the document entitled Administrative Services Agreement with Regional Care, Inc. for the provision of third-party administrative services on behalf of the municipality ("RCI Agreement");
4. Enters into the RCI Agreement for administrative services;
5. Authorizes the Mayor to execute the LNM-LIGHT Agreement and the RCI Agreement on behalf of the municipality; and
6. Approves the additional optional insurance coverages available through LNM-LIGHT for municipal employees.

Roll call vote with the following results:

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

September 24, 2009

Voting Nay: None.

Motion carried.

Motion by Councilman Kusek, seconded by Councilman Feldges to approve Resolution No. 09-111 which follows in its entirety:

RESOLUTION NO. 09-111

WHEREAS, The City of Alliance has engaged in a process of evaluating its current health care benefit plans offered to employees; and

WHEREAS, Various options and proposals have been considered by staff and the City's Third-Party Administrator, and staff has recommended the options contained herein; and

WHEREAS, The City of Alliance has received a proposal to renew its contract with the Third-Party Administrator, Regional Care Incorporated, as set forth herein; and

WHEREAS, The City of Alliance has received a proposal to contract with the reinsurance carrier, Mutual of Omaha, as set forth herein; and

WHEREAS, The proposals provide for three options from which benefit eligible employees may choose, labeled Option A, Option B, and Option C, which have varying deductibles and out-of-pocket expenses.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the contract proposal with Regional Care Incorporated for Third-Party Administrator is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor and Council of the City of Alliance, Nebraska hereby approve the proposed contract with Mutual of Omaha, a reinsurance carrier.

BE IT FURTHER RESOLVED, that the Schedules of Benefits packages to be offered to employees will be Option A, Option B, and Option C.

BE IT FURTHER RESOLVED, the following monthly employee contribution levels are established effective January 1, 2010:

Plan A Single	\$ 75.00
Family	\$210.00
Plan B Single	\$ 20.00
Family	\$ 56.00
Plan C Single	No Contribution; \$50.00/month paid to an Employee Health Savings Account
Family	No Contribution; \$50.00/month paid to an Employee Health Savings Account

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BE IT FURTHER RESOLVED, Monthly premium payments per employee for reinsurance provided by Mutual of Omaha effective October 1, 2009, shall be as follows:

Specific Single Premium	\$109.85
Specific Family Premium	\$260.74
Aggregate Premium	\$ 10.99
Transplant Coverage	
Single	\$ 6.65
Family	\$ 15.28
Vision Coverage	
Single	\$ 8.16
Family	\$ 21.49
Life Insurance	
Single	\$ 7.25
Family	\$ 9.00

BE IT FURTHER RESOLVED, administrative service fees to Regional Care, Incorporated, shall be \$23.10 monthly per covered employee, effective October 1, 2009.

BE IT FURTHER RESOLVED, the City of Alliance shall make monthly payments into its Health Support Fund, effective October 1, 2009 for a wellness program as follows:

Per Single Employee	\$ 21.00
Per Family Employee	\$ 42.00

BE IT FURTHER RESOLVED, the City of Alliance shall make monthly payments into its Health Support Fund, effective October 1, 2009 for a dental program as follows:

Per Single Employee	\$ 16.74
Per Family Employee	\$ 48.72

BE IT FURTHER RESOLVED, the City of Alliance shall make monthly payments into its Health Support Fund, effective October 1, 2009 as follows:

Per Single Employee	\$ 616.79
Per Family Employee	\$1,429.09

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 matter to be presented to Council was Resolution No. 09-109 authorizing the purchase of a 2009 Bobcat S250 Skid Steer from Hamilton Equipment Company of Lincoln, NE in the amount of \$29,615.00.

Motion by Councilwoman Rowley, seconded by Councilman Kusek to approve Resolution No. 09-109 which follows in its entirety:

RESOLUTION NO. 09-109

WHEREAS, The City of Alliance Solid Waste Disposal Facility had on their capital improvements plan the purchase of Skid Steer; and

WHEREAS, The State Purchasing Bureau of the State of Nebraska has sought bids and obtained a contract for the purchase of a 2009 Bobcat model S250 Skid Steer; and

WHEREAS, The Utility Superintendent obtained a quote based on the State of Nebraska contract price and has determined that the price under the State of Nebraska contract is significantly better than if a brand new Skid Steer was purchased on the open market; and

WHEREAS, The quote under the State of Nebraska contract with was Twenty Nine Thousand Six Hundred Fifteen and No/100ths Dollars (\$29,615.00); and

WHEREAS, The Solid Waste Disposal Facility has the funds budgeted for 2008-2009 and requests that Council approve the purchased of a 2009 Bobcat S250 Skid Steer as set forth in the quote from Hamilton Equipment Co. of Lincoln, Nebraska.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that City Manager Pamela S. Caskie be and hereby is authorized to enter into a contract for the purchase of 2009 Bobcat S250 Skid Steer from Hamilton Equipment Co. of Lincoln, Nebraska under State of Nebraska contract number 12467 OC in the amount of Twenty Nine Thousand Six Hundred Fifteen and No/100ths Dollars (\$29,615.00).

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Feldges.

Voting Nay: None.

Abstaining: Benzel.

Motion carried.

- The next item on Council's agenda was a discussion of Time of Use and Interval (Smart) Meters and Meter Installed Surge Protection.

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Electric Superintendent Larry Heinrich presented a report explaining Time of Use and Interval (Smart) Meters and Meter Installed Surge Protection. He also presented a report detailing a program for the City to offer a Meter Socket Surge Protection Program which would allow homeowners to lease meter socket surge adaptor equipment from the City. Council directed staff to find out what the Rate Study costs are relative to Time of Use and Interval (Smart) Meters. Council also directed staff to proceed with the Meter Installed Surge Protection Program.

- The last item on Council's agenda was a Conflict Claim of Councilman Fred Feldges.

Motion by Councilman Benzel, seconded by Councilman Kusek to approve a Conflict Claim of Councilman Fred Feldges in the amount of \$494.69.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Benzel.

Voting Nay: None.

Abstaining: Feldges.

Motion carried.

- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 9:21 p.m."

Ralph Yeager, Mayor

(SEAL)

Linda S. Jines, City Clerk

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