

December 17, 2009

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, DECEMBER 17, 2009

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

The Alliance City Council met in a Regular Meeting, December 17, 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 December 10, 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 December 17, 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 Councilman Benzel, seconded by Councilwoman Rowley to approve the Consent Calendar which follows in its entirety:

CONSENT CALENDAR – DECEMBER 17, 2009

1. Approval: Minutes of the Regular Meeting, December 13, 2009.
2. Approval: Payroll and Employer Taxes for the period November 14, 2009 through November 27, 2009 inclusive: \$169,643.14 and \$12,028.71 respectively.

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3. Approval: Claims against the following funds for the period November 30, 2009 through December 14, 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; \$370,803.42.
4. Approval: Resolution No. 09-134 granting a Special Designated License to the Alliance Volunteer Fire Department for their annual Bosses Night to be held on Friday, February 5, 2010.
5. Approval: The annual filing of the Nebraska Department of Roads Board of Public Roads Classifications and Standards Reports for submittal.
6. Approval: The Bill of Sale for the settlement of the stolen 2001 Bobcat 863 Skidsteer in the amount \$20,235.00 with our insurance company, St. Paul Guardian Insurance Company.
7. Approval: The issuance of the following licenses:

Tree Surgeon

John Hass, dba Garden Getaway
Kenny Groves, dba Tree Doc

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.

City Attorney Miller explained to Council that the equipment stolen from Panhandle Fab will be dealt with through the insurance carriers of both parties. Councilman Benzel told Council he feels the City will need to pay for the repairs that had been made to the equipment prior to the theft. Council was advised the subrogation process will address the issue.

Motion by Councilman Benzel to pay the bill to Panhandle Fab for repairs made to the 2001 Bobcat 863 Skidsteer prior to its theft from their parking lot. The motion died for lack of a second.

Councilman Kusek inquired about a charge to Alliance Motors for towing charges. Police Chief John Kiss explained the vehicles were towed from the impound area at the Animal Shelter to Steggs Auction Service. He also inquired about retaining walls for a salt shelter. Council was advised that every shipment is paid from an invoice. Councilman Kusek asked Public Facilities Director Eric Lenz if the State Street Report is in a different format. City Manager Caskie advised Council the form is one they don't usually see; however, it is the same form. Councilman Feldges asked about a charge to Betty Nelson and was advised that the City pays Mrs. Nelson for water pumped from her well for Laing Lake. He also asked about flasher parts from Away with Geese.com. City Manager Caskie advised Council she would investigate the charges and report back to Council.

Roll call vote with the following results:

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

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Voting Nay: None.

Motion carried.

- The next item to be heard by Council was a request from the Municipal Energy Agency of Nebraska regarding an error in billing for ancillary services by NPPD.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to approve Resolution No. 09-135 accepting the offer proposed by MEAN which follows in its entirety:

RESOLUTION NO. 09-135

WHEREAS, The City of Alliance provides electrical services to residents, businesses and others through the Alliance Municipal Electric System; and

WHEREAS, The City of Alliance is a member of Municipal Energy Association of Nebraska (MEAN); and

WHEREAS, The City of Alliance has received a letter from MEAN, dated November 24, 2009, which states that inadvertently the City of Alliance has not been billed for ancillary services, which were provided to insure compliance with all regional transmission service requirements; and

WHEREAS, Nebraska Public Power District (NPPD) is responsible for charging the ancillary services to MEAN to be passed through to the City of Alliance; and

WHEREAS, The City of Alliance has signed the Service Schedule M Agreement between the City of Alliance and MEAN which provides for the charges to be passed through to the City of Alliance; and

WHEREAS, Nebraska Public Power District has not invoiced MEAN for the ancillary services for approximately 13 years; and

WHEREAS, MEAN has calculated the charges for the past 42 months at \$277,200.00 for the period of April, 2006, through September, 2009; and

WHEREAS, MEAN has offered to consider the matter paid in full if the City of Alliance pays charges for ancillary services for the period commencing April, 2008, through September, 2009, in a total amount of One Hundred Eighteen Thousand Eight Hundred and no/100ths Dollars (\$118,800.00); and

WHEREAS, MEAN is willing to work with the City of Alliance to determine a pay back schedule for up to 12 months; and

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WHEREAS, The City Council believes it is in the best interest of the City and its customers to continue its association with Municipal Energy Agency of Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the City shall pay to Municipal Energy Agency of Nebraska a total of One Hundred Eighteen Thousand Eight Hundred and no/100ths Dollars (\$118,800.00) for the ancillary service charges for April, 2008, through September, 2009.

BE IT FURTHER RESOLVED that the total charges shall be paid in 12 monthly installments, with the first installment being paid in January, 2010.

BE IT FURTHER RESOLVED that pursuant to the City of Alliance Municipal Code Section 4-144-2, the ancillary service charges are production costs and Council approves administrative adjustments to billings for services to reflect the additional charges for the ancillary services for the previous months and for any monthly fee that the City may be assessed.

Chuck Langston, representative from MEAN, addressed Council and presented a brief overview of the situation. The City of Alliance is served from the Western Area Power Administration transmission system and is in NPPD's control area. NPPD is responsible for moving their generation up and down when the City's load changes which is the service that the City should have been billed for since 1997. City Manager Caskie advised Council that a pass through electric rate increase may need to occur in 2010. Ancillary services include short term reserve, two hour reserve, regulatory, and scheduling. Councilman Kusek could not find "Schedule M" as referenced in the letter from MEAN. Mr. Langston indicated that it was either a misquote or may be contained within the addendum.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The first reading of Ordinance No. 2656 approving the Preliminary Plat of the Replat of Lots 1, 2, 18, and 19, Block 6, Lakefield Addition was the next item for Council's consideration.

Motion by Mayor Yeager, seconded by Councilwoman Rowley to approve Ordinance No. 2656 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2656

AN ORDINANCE APPROVING THE PRELIMINARY PLAT OF THE SUBDIVISION OF LOTS 1, 2, 18 AND 19, BLOCK 6, LAKEFIELD ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA.

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

SECTION 1. The City of Alliance has received an application for re-approval of the preliminary plat of the subdivision of Lots 1, 2, 18 and 19, Block 6, Lakefield Addition to the City of Alliance, Box Butte County, Nebraska, from Greg and Michelle Olson, owners.

SECTION 2. The Planning Commission held a public hearing on December 8, 2009, to consider the preliminary plat, and after such hearing has recommended approval of the preliminary plat.

SECTION 3. The preliminary plat contains the information required by City Code at 11-305, which is relevant to this request.

SECTION 4. The preliminary plat, which was previously approved, was re-submitted and is hereby re-approved and the subdividers are authorized to proceed with any required public works elements and preparation of a final plat.

SECTION 5. This approval shall expire one year from this date unless a final plat has been submitted. This approval does not constitute final plat approval or guarantee of approval of the subdivision by the City Council or the Council's authorization to proceed on construction of improvements within the subdivision.

SECTION 6. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to suspend the statutory rule requiring three separate readings of Ordinance No. 2656.

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. 2656 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. 2656 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 to be presented to Council was Resolution No. 09-136 approving the Manager’s Application of Jennifer L. Herbert for The Gathering Spot, 213 Box Butte Avenue, Alliance.

Motion by Councilwoman Rowley, seconded by Councilman Benzel to approve Resolution No. 09-136 which follows in its entirety:

RESOLUTION NO. 09-136

WHEREAS, The City of Alliance has received a notice and copy of a Manager Application for The Gathering Spot located at 216 Box Butte Avenue, Alliance, Nebraska, submitted by Jennifer L. Herbert; and

WHEREAS, City staff has reviewed the application and finds no reason why the proposed manager, Jennifer L. Herbert, would be disqualified from serving as manager.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that the Manager’s Application of Jennifer L. Herbert for The Gathering Spot located at 216 Box Butte Avenue, Alliance, Nebraska, is hereby approved.

BE IT FURTHER RESOLVED, that the City Clerk shall notify the Nebraska Liquor Control Commission of this Council decision.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 09-137 authorizing the solicitation of bids for the Second Quarter CIP/CEP equipment and services was the next item to be reviewed by Council.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Resolution No. 09-137 which follows in its entirety:

RESOLUTION NO. 09-137

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

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WHEREAS, The City staff has submitted for City Council review a proposed schedule of capital improvement purchases to be initiated, and in some cases completed, in the second quarter of the 2009-2010 fiscal year; and

WHEREAS, The City Manager has reviewed and approved the proposed schedule of capital purchases for the second quarter of the 2009-2010 fiscal year.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the schedule of capital purchases for the second quarter of the 2009-2010 fiscal year, totaling Eighty Thousand Six Hundred and No/100ths Dollars (\$80,600.00) is hereby approved.

BE IT FURTHER RESOLVED, that City staff is authorized to proceed with the purchases of the items listed on the following:

Library	Automatic Door Opener	\$3,700.00
Library	Community Room Cooling	\$5,000.00
Library	Computers (Gates Grant)	\$3,900.00
Airport	Portable Air Compressor	\$12,000.00
MIS	Computer System	\$21,000.00
Police Department	Vehicles	\$35,000.00
Total		\$80,600.00

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was Resolution No. 09-138 approving the initial four sections of the Airport Minimum Standards along with the Table of Contents, Introduction, and Definitions.

Motion by Councilman Feldges, seconded by Councilman Kusek to approve Resolution No. 09-138 which follows in its entirety:

RESOLUTION NO. 09-138

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

WHEREAS, In accordance with the Federal Aviation Administration (FAA) grant assurances and to insure sound airport operations practices, the City Council has adopted Minimum Standards and Regulations; and

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WHEREAS, The purpose of the Minimum Standards is to establish the minimum acceptable qualifications of participants, level and quality of services, and other conditions which will be required of those proposing to conduct commercial aeronautical activities at the airport; and

WHEREAS, The Minimum Standards serve to promote safety in all airport activities, protect airport users from unlicensed and unauthorized products and services, maintain and enhance the availability of adequate services for airport users, promote the orderly development of airport land, and assure efficiencies of operations; and

WHEREAS, City Council has reviewed the Airport Minimum Standards for the Alliance Municipal Airport, including the Table of Contents, Introduction, Definitions and Section 1, Policy, Applicability and Amendments; Section 2, Minimum Standards for All FBO/SASO Activities; Section 3, Application Qualification for FBO/SASO; and Section 4, Action on Application, and believes them to be in the best interest of the City of Alliance and those who utilize the Alliance Municipal Airport.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the Alliance Municipal Airport Minimum Standards are hereby approved and adopted effective January 1, 2010, as the Alliance Municipal Airport Minimum Standards of the City of Alliance.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Board Appointments were the last matter to be addressed by Council.

Motion by Councilman Kusek, seconded by Councilman Feldges to reappoint Stephen Brittan, Joshua Carr and Luis Sanchez to the Planning Commission for terms expiring December 31, 2012.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Kusek, seconded by Councilman Feldges to reappoint Stephen Brittan and Earl Jones to the Board of Adjustment for terms expiring December 31, 2012.

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Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Kusek, seconded by Councilman Feldges to reappoint Charles Lierk to the A-2 Downtown Improvement Board for a term expiring October 31, 2012.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Kusek, seconded by Councilman Feldges to appoint Mary Meier and reappoint Carol Kleinsasser and James Parks to the Police Citizen Advisory Board for terms expiring December 31, 2011.

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 8:16 p.m.”

(SEAL)

Ralph Yeager, Mayor

Linda S. Jines, City Clerk