

February 4, 2010

## ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, FEBRUARY 4, 2010

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

The Alliance City Council met in a Regular Meeting, February 4, 2010 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 January 28, 2010. 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 February 4, 2010 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 – FEBRUARY 4, 2010

1. Approval: Minutes of the Regular Meeting, January 21, 2010.
2. Approval: Payroll and Employer Taxes for the period December 26, 2009 through January 8, 2010 inclusive: \$170,139.24 and \$12,026.34 respectively; and for the period

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January 9, 2010 through January 22, 2010 inclusive: \$156,929.84 and \$11,142.40 respectively.

3. Approval: Claims against the following funds for the period January 18, 2010 through February 1, 2010: 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; \$1,397,631.50.
4. Approval: Issuance of Tree Surgeon Licenses to:
 

Glenn A. Patrone dba Patrone's Landscaping & Tree Care  
Gordon Hoff dba Alliance Floral Co.  
Howard E. Jensen dba J & C Lawn Service
5. Approval: Resolution No. 10-11 granting a Special Designated License to Kloch's Liquor LLC for an event at the Knight Museum and Sandhills Center on February 27, 2010. The event is a fundraiser for the Museum Foundation to build an endowment fund for the Museum.
6. Approval: To enter into an User Agreement with WSCA (Western States Contracting Alliance.) This Agreement will allow staff to purchase wireless services with Verizon. Funds for these services are in departmental operating budgets.

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

Councilman Feldges asked if the correct version of Resolution 10-10 was inserted into the January 21, 2010 minutes. City Clerk Jines confirmed that it was correct. Councilman Benzel asked if the City will continue to outsource automotive repairs and car washing. City Manager Caskie advised Council it is cheaper to hire the work done rather than pay for additional personnel. Councilman Feldges questioned charges to repair the alarm and thaw out a frozen toilet line at the Sallows Military Museum. City Manager Caskie explained the alarm was going off during the middle of the night and needed to be adjusted. She offered to inquire about the cause of the frozen pipe. Councilman Kusek questioned the repair of a pump at the swimming pool. City Manager Caskie explained the bill was held over from last fiscal year. Councilman Feldges inquired about a charge of \$1,380.30 for a part. He asked for a more comprehensive description. City Manager Caskie advised Council that the charge was probably for a collection of miscellaneous inventory parts, but offered to clarify the charge. Councilwoman Rowley asked if the Agreement for Wireless Services will offer us more or less lines. City Manager Caskie advised the number will stay the same as it is currently.

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. 2658 amending the Municipal Code by adding a section prohibiting open burning.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Ordinance No. 2658 which follows in its entirety:

### **ORDINANCE NO. 2658**

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY ADDING SECTION 412 ARTICLE 4 AT CHAPTER 6, RELATING TO PROHIBITING OPEN BURNING; TO PERMIT THE USE OF SPECIALLY DESIGNED DEVICES FOR COOKING AND OPEN BURNING FOR ENTERTAINMENT; 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 Nebraska State Statutes prohibit open burning in the State but allows cities of the first class to regulate burning within the city.

SECTION 2. The City of Alliance desires to permit citizens to utilize specialized equipment for the containment of small fires for cooking or entertainment; subject to rules and regulations.

SECTION 3. The Alliance Municipal Code at Chapter 6, shall be amended to include the addition to Article 4, Section 6-412.01 to Section 6-4 as follows:

#### **6-412.01 OPEN BURNING PROHIBITED.**

Except as provided in the Alliance Municipal Code, or in the Nebraska Revised Statutes it shall be unlawful for any person, firm, or corporation to burn or cause to be burned any material, item or thing within the Alliance City limits. It shall be unlawful for any person, firm or corporation to start, ignite, maintain, or permit any open burning except with a properly issued permit or as provided in this section.

#### **6-412.02 OPEN BURNING DEFINED.**

For the purposes of this section, the following items shall have the meanings indicated. Any word which is not expressly defined herein shall have the meaning as provided by the International Fire Code. Any word not defined by this section or the International Fire Code shall have the definition customarily prescribed to said words.

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1. Open Burning using fire to burn material which is not contained within a fully enclosed firebox or structure and from which the products of combustion are permitted directly to the open atmosphere without passing through an appropriate stack, duct or chimney.
2. Charcoal fires, or fires of other commonly accepted cooking fuels, which are contained within a hibachi, grill, smoker or gas grill, do not constitute opening burning.

#### 6-412.03 EXCEPTION OPEN BURNING AND FIRES PERMITTED.

The burning of dry wood in a small container manufactured for the purpose of containing small recreational fires is permitted on the property of one- or two-family residential dwellings, in accordance with the following rules and regulations:

- (a) The burning must be conducted in a noncombustible container sufficiently vented to include adequate primary combustion air with enclosed sides, a bottom, and a mesh covering with openings not larger than ¼ inch square.
- (b) Such fires shall be under constant supervision while burning.
- (c) The fire and/or burning must be of such limited size as to allow the person in charge to have complete control over it.
- (d) The fire and/or burning must not create a nuisance or a hazard to the health or the safety of persons or property in the area. Any fire which producing smoke that is a nuisance shall be extinguished.
- (e) The burning of garbage, trash, leaves or other refuse shall not be permitted.
- (f) The burning or igniting of highly flammable, toxic or explosive materials shall not be permitted.

Any person, firm or corporation may ignite and maintain any burning which is necessary for the usual and customary preparation and/or cooking of food, including the use of normal barbecuing devices without obtaining a permit. Normal barbecuing devices shall be limited to hibachis, grills, and smokers.

#### 6-412.04 FIRE CHIEF AUTHORITY.

The Fire Chief or designee is authorized to order the extinguishment by the attendant in charge or by the Fire Department of any burning that creates or adds to a hazardous or objectionable situation or is in violation of any of the rules and regulations of the Alliance Municipal Code or the Nebraska Revised Statutes.

#### 6-412.05 PENALTY.

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Any person who violates the provisions of 6-412.01, 6-412.02, 6-412.03, or 6-412.04 shall be deemed guilty of a misdemeanor and shall be fined pursuant to Chapter 12, Article 1 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 votes:

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

Voting Nay: None.

Motion carried.

- The next item to be presented to Council was Resolution No. 10-12 awarding the fire truck purchase to Smeal Fire Apparatus Company of Snyder, NE in the amount of \$365,966.00.

Motion by Councilman Feldges, seconded by Councilman Kusek to approve Resolution No. 10-12 which follows in its entirety:

#### **RESOLUTION NO. 10-12**

WHEREAS, The City of Alliance issued specifications for a fire truck and invitations to bid; and

WHEREAS, Five fire truck manufacturers have responded to the invitation for bids; and

WHEREAS, The Fire Chief and Fire Truck Specification Committee Chairperson have personally reviewed all of the submitted proposals and believe that the bid of Smeal Fire Apparatus Co., a Nebraska Corporation located in Snyder, Nebraska, is the lowest and most responsive and responsible bidder; and

WHEREAS, The Fire Chief and the Truck Specification Committee Chairperson believe that the bid of Smeal Apparatus Company most closely conforms with the specifications, has a superior reputation with area fire chiefs and firefighters, provided good references which were both specific to the questions asked and numerous, have a reputation of providing equipment which is superior in construction and is most suitable for the intended purposes, and will require less training at the fire station in Alliance, Nebraska; and

WHEREAS, City Council has considered the bid statements and finds the bid of Smeal Fire Apparatus Co. of Snyder, Nebraska, to be the lowest and most responsive and responsible bidder; and

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WHEREAS, The City desires to finance the purchase of the custom built fire truck; and

WHEREAS, Staff has solicited requests for quotes and is recommending the lease/purchase of the fire truck that was bid by Smeal Fire Apparatus Company with First National Bank, through Municipal Leasing Credit Corporation of Overland Park Kansas for ten years at 4.55% interest on the total amount financed of Three Hundred Fifty One Thousand and No/100ths (\$351,000.00) Dollars; and

WHEREAS, City Council has considered the financing options and finds the lease purchase through First National Bank with Municipal Leasing Credit Corporation to be the lowest and most responsive and responsible bidder; and

WHEREAS, City Council believes that financing the fire truck with a lease purchase through First National Bank with Municipal Leasing Credit Corporation to be in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign an Agreement with Smeal Fire Apparatus Company, a Nebraska Corporation, of Snyder, Nebraska, for the manufacturer of a custom fire truck under Bid No. 3737-10-03 in the amount of Three Hundred Sixty Five Thousand Nine Hundred Sixty Six and no/100ths Dollars (\$365,966.00).

BE IT FURTHER RESOLVED that the Mayor is authorized to sign, on behalf of the City, promissory notes, pledge agreements, and other necessary documents, and renewals thereof, for the purpose of evidencing a debt to First National Bank through Municipal Leasing Credit Corporation in the amount of up to Three Hundred Eighty Thousand and No/100ths Dollars (\$380,000.00) on a lease purchase for one hundred twenty months on the terms set forth herein, for the lease/purchase of the fire truck to be constructed by Smeal Fire Apparatus Co.

Councilman Kusek asked if any grant money has been applied for to assist in the purchase. City Manager Caskie advised Council that she was unaware of FEMA funds but would check into it immediately. Fire Chief Shoemaker advised Council that this proposal must be accepted immediately to purchase the truck available. Councilman Feldges questioned the prudence of financing big ticket items. Councilman Kusek asked if the loan could be paid off early without penalty. He recommended Council approve the truck purchase and instruct staff to research grant funding as well as the possibility of an early payoff.

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 agenda item was Resolution No. 10-13 which will increase the rates charged by the City for ambulance services.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to approve Resolution No. 10-13A which follows in its entirety:

**RESOLUTION NO. 10-13 (A)**

*WHEREAS*, The City of Alliance operates an ambulance service that is licensed to provide both Advanced Life Support (ALS), and Basic Life Support (BLS) services; and

*WHEREAS*, The existing City ambulance and emergency call rate schedule was last updated October 1, 2005, and the cost of providing such emergency services have increased; and

*WHEREAS*, Medicare, Medicaid and some Insurance Companies pay based on reasonable and customary rates so it is reasonable that there should be rate uniformity between the costs of calls made for the rural area and for the City of Alliance area; and

*WHEREAS*, The Alliance City Council has authority to establish rates for the use of the City emergency equipment.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the following fees are hereby established for use of City emergency equipment:

**BASIC LIFE SUPPORT**

Non-Emergency: .....	\$430.00
Emergency: .....	\$575.00
Mileage Fee Per Loaded Patient Mile:.....	\$14.00

**ADVANCED LIFE SUPPORT**

Non-Emergency: .....	\$685.00
Emergency Level I:.....	\$730.00
Emergency Level II: .....	\$760.00
Responded, No Transport (Treat and Release): .....	\$150.00
Mileage Fee Per Loaded Patient Mile:.....	\$14.00

*BE IT FURTHER RESOLVED*, that these fees shall be effective April 1, 2010.

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 to be discussed was Resolution No. 10-14 approving free admission to the Knight Museum and Sandhills Center for the 2010 Operational year.

Motion by Mayor Yeager, seconded by Councilwoman Rowley to approve Resolution No. 10-14 which follows in its entirety:

### **RESOLUTION NO. 10-14**

WHEREAS, The City of Alliance has entered into contracts for the construction and installation of the displays of the Knight Museum; and

WHEREAS, The City of Alliance is anticipating the Museum opening on March 1, 2010; and

WHEREAS, The City has concerns about the cost of operation of the Knight Museum of Sandhills Center; and

WHEREAS, The City desires to acknowledge all of the public support and people who have selflessly given to see the completion of the museum; and

WHEREAS, The City has determined that for the 2010 operational year, as a gift to the citizens of Alliance and Box Butte County, as well as visitors from all areas of the world, that the City will waive all admission fees for the 2010 year; and

WHEREAS, The City will review the issue of admission fees based on the future contributions to the museum and the museum foundation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that as a gift to the community and to visitors of the Knight Museum and Sandhills Center, the City of Alliance hereby waives all admission fees to the Knight Museum and Sandhills Center for the 2010 year of operation.

BE IT FURTHER RESOLVED that City Council will review the operational expenses, as well as the revenues, that support the operation of the Knight Museum and Sandhills Center to determine whether an admission fee will be charged in future years.

Motion by Councilman Kusek, seconded by Councilman Benzel to amend Resolution No. 10-14 to read the City will waive admission fees for the 2010 operational year and will review expenses and revenues to determine whether an admission fee will be charged in future years.

Roll call vote on the amendment with the following results:

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

Voting Nay: None.

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Motion carried.

Roll call vote on Resolution No. 10-14 as amended with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 10-15 authorizing the renewal of Maintenance Agreement No. 3 between the City of Alliance and the Nebraska Department of Roads was the next item for Council's discussion.

Motion by Councilwoman Rowley, seconded by Councilman Benzel to approve Resolution No. 10-15 which follows in its entirety:

#### **RESOLUTION NO. 10-15**

WHEREAS, Annually the City of Alliance enters into an Agreement with the State of Nebraska Department of Roads defining the maintenance responsibilities of the City and the Department of Roads for state highways within the city limits; and

WHEREAS, The Agreement provides for the division of duties for maintenance and upkeep, and provides for a lane mile reimbursement from the State for certain duties performed by the City, and establishes the number of lane miles eligible for such reimbursement; and

WHEREAS, City staff has examined the Agreement, known as Maintenance Agreement No. 3, which was originally entered into with the Nebraska Department of Roads in January of 1990, and updated in January, 2010; and

WHEREAS, City staff have verified that there exists 9.14 lane miles in the City of Alliance that are eligible for reimbursement at \$1,575.00 per lane mile from the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that Agreement renewal, with the effective date of January 1, 2010, is hereby approved for the calendar year 2010.

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute the Renewal Agreement for the calendar year 2010, for and on behalf of the City of Alliance.

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 matter before Council was consideration of an airport building lease with Robin Rust. At the request of Mr. Rust, this item has been removed from the agenda.
- Councilman Feldges asked if alley issues could be addressed at the next meeting. City Manager Caskie stated staff was working on this and is planning to have this before Council the second meeting in March. Councilman Feldges also stated he felt the lights to deter the geese at Laing Lake should be returned under the guarantee with a full refund.
- Councilwoman Rowley requested discussion concerning the crosswalk located at 25<sup>th</sup> and Box Butte Avenue.
- Mayor Yeager stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:57 p.m.”

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Ralph Yeager, Mayor

(SEAL)

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Linda S. Jines, City Clerk