

March 18, 2010

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, MARCH 18, 2010

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

The Alliance City Council met in a Regular Meeting, March 18, 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 March 11, 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 March 18, 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 Acting City Manager 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 – MARCH 18, 2010

1. Approval: Minutes of the Regular Meeting, March 4, 2010, and the Special Meeting, March 11, 2010.
2. Approval: Payroll and Employer Taxes for the period February 20, 2010 through March 5, 2010 inclusive: \$164,697.87 and \$11,724.33 respectively.

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3. Approval: Claims against the following funds for the period March 1, 2010 through March 15, 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; \$886,136.16.
4. FYI: Attached are the most recent dashboard graphs for your information: Utility Delinquent Accounts and Disconnects Utility Data, Water Revenue, Water Usage, Sales Tax Received, Electric Revenue, Electric Usage, Airport Deplaned Passengers, Airport Enplaned Passengers, and Hotel Occupation Tax.
5. Approval: The issuance of the following Contractor Licenses:

General Contractor

Paul Lockhart dba Rising Star Construction, Inc.
Doug Cullan dba Cullan Supply Contractors
Kenneth Mickey dba Morton Buildings, Inc.
Chris Mischnick dba Walter Mischnick Contractors & Builders, Inc.

Repair & Maintenance Contractor

Stephen D. Steggs dba Steve's Repair
Dale & Betty Burton dba B & D Rentals, Inc.

Cement & Masonry

Ronald F. Lee dba C & R Plastering

Tree Surgeon

Richie Garza dba Panhandle Tree Service
Mike Friedlan dba Mike's Tree Service

Master Plumber

Jock H. Faris dba Faris Plumbing & Heating, Inc.

Gas Fitter

Jock H. Faris dba Faris Plumbing & Heating, Inc.
Greg Sanders dba Jack's Refrigeration
Scott Diehl dba Metal Products Co.

Master HVAC

Greg Sanders dba Jack's Refrigeration
Scott Diehl dba Metal Products Co.
Steve Weinberger dba Sheet Metal Products, Inc.

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Sign

Mike Ferguson dba Ferguson Signs
Gene Kendrick dba Gordon Sign

Roofing

Richard Schank dba Schank Roofing Service
Forrest S. Rose, Jr. dba Tri-State Roofing, Inc.
Terry Schank dba Twin City Roofing & Sheetmetal, Inc.
Greg Nuss dba Weathercraft Company

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

Councilman Kusek questioned several prior year invoices to the Alliance Times Herald. Finance Manager Shawn Benton advised Council several invoices had been discovered that were in arrears of payment. He also questioned a bill from Mobius Communications. Mr. Benton advised Council he would investigate the charge. Councilman Kusek asked about a charge to NMPP for infared surveys. Electric Superintendent Larry Heinrich explained that an inspection of the City's electric equipment had taken place and had uncovered some damaged areas. Councilman Kusek asked if charges to Culligan Water Conditioning were for reverse osmosis units at the airport. He was advised that nine units have now been installed for water quality compliance. Councilwoman Rowley questioned several charges by Weber Plumbing for swimming pool repairs. City Clerk Jines advised Council that Mr. Weber does not bill on a regular schedule and the bill may be from last season.

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 Conflict Claims of Councilman Trent Benzel in the amount of \$429.97 and Councilman Fred Feldges in the amount of \$387.00 for travel reimbursement.

Motion by Mayor Yeager, seconded by Councilwoman Rowley to approve the Conflict Claim for Councilman Benzel in the amount of \$429.97.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Feldges.

Voting Nay: None.

Abstaining: Benzel.

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Motion carried.

Motion by Mayor Yeager, seconded by Councilwoman Rowley to approve the Conflict Claim for Councilman Feldges in the amount of \$387.00.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Benzel.

Voting Nay: None.

Abstaining: Feldges.

Motion carried.

- A proclamation for Keep America Beautiful's Great American Cleanup Months was the next agenda item.

Councilman Feldges read the proclamation which follows in its entirety:

PROCLAMATION

WHEREAS, Keep America Beautiful, Inc., is a national nonprofit organization dedicated to helping individuals improve their community environments, and has established the Great American Cleanup™ as its signature national effort for involving American citizens in environmental stewardship; and

WHEREAS, Keep America Beautiful's Great American Cleanup, is celebrating its 26th Anniversary in 2010, featuring a over 3 million volunteers participating in over 30,000 events in over 32,000 communities in all 50 states; and

WHEREAS, The National Sponsors of the 2010 Great American Cleanup are: The Dow Chemical Company; The Glad Products Company; Nestlé® Pure Life® Purified Water; o.b. tampons; Pepsi-Cola Company; The Scotts Miracle-Gro Company; Solo Cup Company; Troy-Bilt® Lawn and Garden Equipment; Waste Management, Inc.; Wm. Wrigley Jr. Co.; Promotional Partners are Crescent Cardboard Company, LLC and Get Green Racing; and Educational Partner: Rubber Manufacturers Association; and

WHEREAS, The City of Alliance is proud of its natural resources and its neighborhoods and seeks to protect and improve our community through the action of citizens, schools, government and businesses working together; and

WHEREAS, The City Council of Alliance, NE recognize the important commitment to improve American communities through litter prevention, beautification and solid waste

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management initiatives, and are committed to help spread the word about the importance of volunteerism and motivate everyone in our communities to become stewards of the environment.

NOW, THEREFORE, Be it resolved that the City Council of the City of Alliance, Nebraska, does hereby proclaim March 1 through May 31, 2010 as:

Keep America Beautiful's Great American Cleanup™ Months

And calls upon our citizens to join in activities that promote responsible environmental stewardship and help us renew our commitment to building a better world today and for future generations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 18th day of March in the year of the Lord Two Thousand Ten.

The proclamation was presented to Deb Dopheide, Executive Director of Keep Alliance Beautiful. Mrs. Dopheide advised Council that Students for Recycling will be collecting white paper this year. She thanked Electric Superintendent Larry Heinrich for his participation in the Alliance Middle School Audio Visual Program about the Solid Waste Facility.

- The next item for Council's consideration was Resolution No. 10-31 approving a Special Designated Liquor License for the Alliance Public Schools Foundation for an event to be held on May 1, 2010.

Motion by Councilman Kusek, seconded by Councilman Benzel to approve Resolution No. 10-31 which follows in its entirety:

RESOLUTION NO. 10-31

WHEREAS, The City Clerk has received an application of TWB Wash, LLC for a Special Designated License pursuant to the Nebraska Liquor Control Act; and

WHEREAS, Said act requires the approval of applications by the local governing body prior to such a license being issued by the Nebraska Liquor Control Commission; and

WHEREAS, The application appears to be complete and meet the statutory requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Application for Special Designated License of TWB Wash, LLC, for May 1, 2010 is hereby approved for the premises described in the application, and the City Clerk shall inform the Nebraska Liquor Control Commission of the approval of the application, and the Clerk shall deliver the license issued by said Commission to the permittee upon receipt of the required fees.

Tori and Wayne Brozik representing Paradeis, 611 W. 27th, Scottsbluff, NE addressed Council indicating the event will be held from 5:00 p.m. to midnight on May 1, 2010.

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Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 10-32 accepting a donation from the Pheasants Forever Chapter of Box Butte County to donate and plant wildlife habitat on the west 80 acres of the City's West Well Field was the next item to be presented to Council.

Motion by Councilwoman Rowley, seconded by Councilman Kusek to approve Resolution No. 10-32 which follows in its entirety:

RESOLUTION NO. 10-32

WHEREAS, The Pheasants Forever Chapter of Box Butte County has requested to donate and plant a wildlife habitat on the west 80 acres of the City's West Well Field Property; and

WHEREAS, The above described property is under contract with the Nebraska Game and Parks Commission to permit walk in hunting access; and

WHEREAS, The Pheasants Forever Chapter of Box Butte County has provided a map which illustrates the areas for the proposed planting; and

WHEREAS, City Council believes it is in the best interest of the City of Alliance to improve the wildlife habitat for pheasants on the West Well Field.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, that the donation of the bushes, shrubs and other plants by The Pheasants Forever Chapter of Box Butte County is accepted by the City of Alliance.

BE IT FURTHER RESOLVED that The Pheasants Forever Chapter of Box Butte County can plant the vegetation on the property as shown on the map which is included in the Council packet.

Myron Drumheller, 6390 Otoe Road, addressed Council representing Box Butte County Pheasants Forever indicating the organization will plant bushes to provide a food source and ground cover for the birds.

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 for Council's consideration was Resolution No. 10-33 authorizing the purchase of property located at the northeast corner of 12th Street and Missouri Avenue for the location of a municipal water well.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Resolution No. 10-33 which follows in its entirety:

RESOLUTION NO. 10-33

WHEREAS, On the 19th day of February, 2009, the City entered into an Option to Purchase real estate described as the West 126' (One Hundred Twenty Six Feet) of the South 95' (Ninety Five Feet) of Tract 27 (Twenty Seven) First Addition to Duncan's North Side Residence Tracts, an Addition to the City of Alliance, Box Butte County, Nebraska, according to the recorded plat thereof; and

WHEREAS, The City has drilled a test well under the terms of that Option to Purchase; and

WHEREAS, Based on the test well results, the permanent well should range between 600 and 1,000 gallons per minute, with an arsenic level below the requirements of the Federal Government; and

WHEREAS, The engineers and staff recommend that the City exercise the Option to Purchase; and

WHEREAS, Council agrees it is in the best interest of the City to purchase the property which is located at 12th Street and Missouri Avenue for a future municipal well.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Larry Miller, Interim City Manager, is authorized to execute a real estate contract or any other documents necessary for the transfer of the real estate described as follows: The West 126' (One Hundred Twenty Six Feet) of the South 95' (Ninety Five Feet) of Tract 27 (Twenty Seven) First Addition to Duncan's North Side Residence Tracts, an Addition to the City of Alliance, Box Butte County, Nebraska, according to the recorded plat thereof.

BE IT FURTHER RESOLVED that Staff is authorized to issue the payment in the amount of Seven Thousand and no/100ths Dollars (\$7,000.00) to the owners in exchange for a Warranty Deed to the above described property.

BE IT FURTHER RESOLVED that Staff is authorized to issue the payment for all associated closing costs which are the responsibility of the buyer.

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Roll call vote with the following results:

Voting Aye: Rowley, Kusek, Benzel, Feldges.

Voting Nay: None.

Abstaining: Yeager.

Motion carried.

- Resolution No. 10-34 authorizing the inclusion of the City's wholesale electric suppliers rate increase into a Production Cost Adjustment on future customer billings was the next item for Council's review.

Motion by Councilman Feldges, seconded by Councilwoman Rowley to approve Resolution No. 10-34.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to amend Resolution No. 10-34 by including a Production Cost Adjustment in the amount of .009 per kilowatt hour from April 1, 2010 to September 30, 2010.

Roll call vote on the amendment with the following results:

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

Voting Nay: None.

Motion carried.

The following is Resolution No. 10-34 as amended:

RESOLUTION NO. 10-34

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 is a member of Western Area Power Administration (WAPA); and

WHEREAS, The City of Alliance has received billings from MEAN and WAPA that demonstrate the cost of electricity purchased from both entities has increased; and

WHEREAS, As a result of the additional costs that are being charged by MEAN and WAPA the City of Alliance has incurred additional cost to wholesale rates; and

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WHEREAS, The City cannot absorb the additional costs of production; and

WHEREAS, The City Council believes it is in the best interest of the City to approve administrative adjustments to billings for electrical services to reflect the additional charges from MEAN and WAPA.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that pursuant to the City of Alliance Municipal Code Section 4-144-2, the additional charges for electricity being charged by MEAN and WAPA are production costs.

BE IT FURTHER RESOLVED that Council approves the assessment of an administrative adjustment to billings known as production cost adjustments to reflect the additional charges for purchase of electricity from the Municipal Energy Association of Nebraska (MEAN) and Western Area Power Administration (WAPA) in the amount of \$0.009.

BE IT FURTHER RESOLVED that the Production Costs Adjustment shall be recovered within six (6) months.

Roll call vote on Resolution No. 10-34 as amended with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's consideration was Resolution No. 10-35 adopting the Electrical Net Metering Policy.

Motion by Councilman Kusek, seconded by Councilman Feldges to approve Resolution No. 10-35 which follows in its entirety:

RESOLUTION NO. 10-35

WHEREAS, The State of Nebraska has enacted legislation that requires electric local distribution utilities to interconnect with a customer-generator and provide for net metering; and

WHEREAS, The City of Alliance is an electric local distribution utility as defined by Neb. Rev. Stat. §70-2003; and

WHEREAS, City Council believes that it is in the best interest of the City of Alliance to adopt a policy for the appropriate regulation of net metering with customer-generators including who qualifies for net metering and the requirements for interconnection to the City of Alliance Electric System.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, that the policy which is attached hereto and incorporated herein by this reference is adopted as the official policy for the interconnection of all customer-generators within the City of Alliance.

BE IT FURTHER RESOLVED that this policy is effective April 1, 2010.

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. 10-36 authorizing the purchase of meter socket surge protector devices from Hometown Connections for installation at the meter at the request of electric customers of the City of Alliance for a fee.

Motion by Mayor Yeager, seconded by Councilwoman Rowley to approve Resolution No. 10-36 which follows in its entirety:

RESOLUTION NO. 10-36

WHEREAS, City Council at the City Council Meeting on September 24, 2009, indicated support for a program to offer citizens of Alliance the installation of a surge protector device at the electric meter; and

WHEREAS, City Council at the City Council Meeting on December 3, 2009, authorized Staff to work with Hometown Connections to supply a meter socket surge protector device and a warranty to be provided to the qualifying customers of the Electric Department; and

WHEREAS, Staff has drafted an application for qualifying customers to request the installation of a surge protector device to be installed at the meter and provides for all warranty claims to be the sole responsibility of Hometown Connections; and

WHEREAS, Hometown Connections has reviewed the Electric Meter Surge Protector Device Agreement and has approved the Agreement as to content; and

WHEREAS, Staff is recommending Council authorize staff to use the Electric Meter Surge Protector Device Agreement which is included in the Council packet to permit customers of the City of Alliance to request the installation of a surge protector to be installed at the meter; and

WHEREAS, Council believes that it is in the best interest of the residents and customers of the City of Alliance to have the privilege to have a surge protector device installed at the

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meter and that the Electric Meter Surge Protector Device Agreement should be approved by Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the City of Alliance, Nebraska staff is authorized to order meter socket surge protector devices from Hometown Connections, a part of American Public Power Association, for installation at the meter at the request of electric customers of the City of Alliance.

BE IT FURTHER RESOLVED that the Electric Meter Surge Protector Device Agreement, a copy of which is included in the Council packets is approved for electric customers to request the installation of a meter surge protector.

BE IT FURTHER RESOLVED that the Customer's only warranty for damage caused by a failed surge protector device will be the sole and exclusive responsibility of Tesco the manufacturer of the surge protector and the City of Alliance does not make any warranty regarding any loss or damage as a result of a failed surge protector device.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The last item on Council's agenda was an Executive Session to discuss personnel issues.

Councilman Benzel motioned pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943 that the Alliance City Council hold a closed session for the purpose of discussing personnel issues. The motion was seconded by Councilwoman Rowley. Mayor Yeager requested the presence of Acting City Manager Miller at the Executive Session.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

The closed session began at 8:00 p.m. and ended at 9:28 p.m.

- Motion by Councilman Feldges, seconded by Councilwoman Rowley to conduct a Special Meeting on March 31, 2010 at 5:00 p.m.

Roll call vote with the following results:

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Voting Aye: Yeager, Kusek, Benzel, Rowley, 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 9:31 p.m.”

Ralph Yeager, Mayor

(SEAL)

Linda S. Jines, City Clerk