

April 8, 2010

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, APRIL 8, 2010

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

The Alliance City Council met in a Regular Meeting, April 8, 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 April 1, 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 April 8, 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 Interim 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 – APRIL 8, 2010

1. Approval: Minutes of the Regular Meeting, March 18, 2010, and Special Meeting, March 31, 2010.
2. Approval: Payroll and Employer Taxes for the period March 6, 2010 through March 19, 2010, inclusive: \$163,221.57 and \$11,521.56 respectively.

April 8, 2010

3. Approval: Claims against the following funds for the period March 15, 2010 through April 5: 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; \$1,214,162.95.
4. Approval: Capital Budget Transfer Request of the Alliance Police Department in the amount of \$5,500.00. Previously the City Council approved a request for \$8,000.00 for In-car video. The Police Department has a repeater on the hospital tower for their radio communications. Last year they purchased a second repeater for wireless communication which was placed on the west water tower, but developed problems due to line of site issues that were not anticipated. We tested the repeater on the hospital tower and found no problems. We want to move this repeater to the Viaero tower at 3rd Street and Sweetwater Avenue so we will have two separate repeaters in case of storm damage or emergency situations. Therefore the Alliance Police Department is requesting to decrease the In car video line item to \$2,500.00 and use the remaining \$5,500.00 for a repeater tower.
5. Approval: Lyle Horton, Cub Scout Den Leader representing Pack 207 of the Cub Scouts if requesting the *Reserved or Exclusive Use of City Streets* for the closure of 14th Street between Box Butte and Sweetwater Avenues. The closure is requested for Sunday, April 25, 2010 between 1:00 p.m. and 5:00 p.m. The Cub Scouts will be conducting their Cub Mobile Race using wooden carts that are gravity powered which were built by the scouts. This approval is subject to the City receiving proof of liability insurance as required.
6. Approval: Designating Donald J. Sheldon as the Manager of the American Legion Post #7 for their Class CK Liquor License. The Council had previously approved this designation at their October 22, 2009 regular meeting with the passage of Resolution No. 09-119. Due to an error by Mr. Sheldon will his filing with the Nebraska Liquor Control Commission he needed to complete additional paperwork, which resulted in the need for Council's second approval.
7. Approval and Acceptance: Council is hereby requested to approve and accept the Certificate of Completion and Release for work done on Project No. 3-31-0003-12/13. This project was the Airport Runway Seal Coat Construction Project which was completed by Hi-Lite Markings, Inc of Adams Center, NY. Public Facilities Director Lenz is recommending approval which has been submitted by the Nebraska Department of Aeronautics.
8. Approval: Acceptance of a Quitclaim Deed from Barbara Snyder for the South One Half of the Northeast Quarter (S1/2NE1/4) of Lot Ten (10), Section Two (2), Block Seventeen (17), Second Addition to the Alliance Cemetery and reconvey same to Colton A. Snyder and Morgan Kauth.

April 8, 2010

9. Approval: The issuance of the following Contractor Licenses:

General Contractor:

Marvel Buettner, dba Buettner Construction
Ray Hashman & Jay Dubs, dba R & J Industries Plus, Inc.
Steve Lambert, dba Champion Windows
Dale Wood, dba Dale Wood Construction, Inc.
Donald W. Smith
Charles & Tim Weston, dba Weston Mobile Mix, LLC
KONE One

Limited & Specialty:

Anthony Defauw, dba K-Designers
Doug Wilson, dba Source Gas
Mark Leonard, dba Bullseye Fire Sprinkler
Matt Hessler, dba Protex Central, Inc.
Steven A. Hessler, dba Protex Central, Inc.
Jamie Brunner, dba Protex Central, Inc.

Sign:

Dale Sexton, dba Lamar Outdoor Advertising
Thomas Cozad, dba Creative Signs by Cozad

Roofing:

Dave Knutson, dba Fisher Roofing & Restoration Co., Inc.

Master Plumber:

David Mitchell, dba Snell Services
Lon Asselin, dba Snell Services
Ralph Burbach, dba Snell Services
Bill Schlaepfer, dba Gering Valley Plumbing & Heating

Journeyman Plumber:

Randy Burbach, dba Snell Services
Thomas Murillo, dba Snell Services
Dominic Murillo, dba Snell Services
Reena Ramirez, dba Snell Services
Lucan Palomo, dba Snell Services

Cement & Masonry:

Travis Walker, dba Walker Construction

Master HVAC:

Doug Wilson, dba Source Gas
Bill Schlaepfer, dba Gering Valley Plumbing & Heating
Mark Buche, dba Tessier's, Inc.

April 8, 2010

Journeyman HVAC:

Scott Hughes, dba Snell Services

Gas Fitter:

Doug Wilson, dba Source Gas

Bill Schlaepfer, dba Gering Valley Plumbing & Heating

Repair & Maintenance:

Tim Overshiner, dba Overshiner Construction

Brannan Homes, LTD

Ernest Carlson, dba The House Doctor

Wayne Vanderschaaf, dba Vandy Construction

Jack Hughes, dba Jack Hughes Construction

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 a charge by Telvent DTN for weather service. Fire Chief Troy Shoemaker advised Council that the Alliance Police Department Dispatch uses the service for severe weather alerts. Councilwoman Rowley questioned a charge for animal sedation. Interim City Manager Miller surmised sedation was necessary for an unmanageable animal. Councilman Feldges asked about the purchase of medical supplies from Box Butte General Hospital. Fire Chief Shoemaker explained that the purchases are less expensive because the hospital buys their supplies in bulk. Councilman Kusek inquired about taxes and licenses on new vehicles. Interim City Manager Miller advised Council that Enterprise Funds are not tax exempt. Councilwoman Rowley questioned a charge for doggy pots. Cultural and Leisure Services Director Shana Brown explained that during the winter vandals destroyed the plastic doggy pots, so they have been replaced with a metal variety. Councilman Feldges asked where crushed concrete has been used. Interim City Manager Miller volunteered to research the answer.

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 the presentation on the Financial Statements and Supplementary Information for the fiscal year ending September 30, 2009.

Terry Galloway, representative from Almquist, Maltzahn, Galloway & Luth, C.P.A. addressed Council and gave a brief presentation of the audit.

April 8, 2010

Councilman Feldges asked about a transfer of funds in the Water Department. Cultural and Leisure Services Director Shana Brown speculated the transfer could be to illustrate to the Parks Department the amount of money that is spent for water usage. He also questioned accounting jargon at the end of the audit report. Mr. Galloway gave Council a brief explanation of the jargon.

Motion by Councilman Kusek, seconded by Councilman Feldges to accept the Financial Statements and Supplementary Information for the fiscal year ending September 30, 2009 as presented.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's consideration was the first reading of Ordinance No. 2660 which will annex property identified as Lot 4, Block 2, Fullerton & Hurley Commercial Tracts located on the northwest corner of 10th Street and U.S. Highway 385.

Motion by Councilman Feldges, seconded by Councilwoman Rowley to approve Ordinance No. 2660 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2660

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, FINDING THAT CERTAIN LANDS SITUATED IN THE SOUTHEAST QUARTER (SE¼) OF SECTION TWENTY SEVEN (27), TOWNSHIP TWENTY FIVE (25) NORTH, RANGE FORTY EIGHT (48) WEST OF THE SIXTH PRINCIPAL MERIDIAN, BOX BUTTE COUNTY, NEBRASKA, WHICH IS DESCRIBED IN DETAIL IN THE BODY OF THIS ORDINANCE AND IS CONTIGUOUS AND ADJACENT TO THE CORPORATE LIMITES OF SUCH CITY IS URBAN OR SUBURBAN IN CHARACTER AND IS NOT AGRICULTURAL LANDS WHICH ARE RURAL IN CHARACTER; ANNEXING TO AND INCLUDING WITHIN THE CORPORATE LIMITS OF THE CITY SUCH TRACT OF LAND; THE EFFECTIVE DATE AND PROVIDING THAT THE OWNERS, OCCUPANTS AND USERS OF SUCH LAND BE ENTITLED TO THE RIGHTS AND PRIVILEGES, AND BE SUBJECT TO THE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE CITY AND RECEIVE SUBSTANTIALLY THE BENEFITS AS OTHER OWNERS, OCCUPANTS AND USERS OF THE LAND WITHIN THE CITY.

WHEREAS, The owner of the property to be annexed has petitioned the City to annex the following described property to the City of Alliance; and

April 8, 2010

WHEREAS, The City of Alliance Planning Commission, in their regular meeting on the 9th day of March, 2010, passed a motion recommending the annexation of said property.

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

SECTION 1: The following tracts of land, more particularly described as follows:

Lot 4, Block 2, Fullerton-Hurley Commercial Tracts, and the right-of-way for Otoe Road a.k.a. 10th Street and U.S. Highway 385 which is located in the Southeast Quarter (SE¼) of Section Twenty Seven (27), Township Twenty Five (25) North, Range Forty Eight (48) West of the Sixth Principal Meridian, Box Butte County, Nebraska, being more specifically described as follows:

Beginning at the southeast corner of the intersection of West 10th Street and U. S. Highway 385; Thence westerly across U. S. Highway 385 on the southern right-of-way line of West 10th Street/Otoe Road to a point that is the westerly lot line of Lot 4, Block 2, Fullerton – Hurley Commercial Tracts projected south to the southern right-of-way line of West 10th Street/Otoe Road; Thence northerly on the said westerly lot line to its termination; Thence continuing easterly on the northerly lot line to its termination; Thence northerly to the northern most lot line of said Lot 4; Thence easterly on the northern most lot line of said Lot 4 and the northern most lot line projected easterly to the western right-of-way line of U.S. Highway 385; Thence continuing easterly on the last described line to the eastern right-of-way line of U.S. Highway 385; Thence southerly on the eastern right-of-way line of U.S. Highway 385 to the northern right-of-way line of West 10th Street, Alliance, Nebraska.

SECTION 2: The above tract of land in SECTION 1 is hereby found and declared to be contiguous and adjacent to the Corporate Limits of the City of Alliance, Nebraska, to be urban or suburban in character, and not to be agricultural land which is rural in character.

SECTION 3: Such tract of land is hereby annexed to and included within the Corporate Limits of the City of Alliance, Nebraska, and thereafter shall be and remain a part of such City for all purposes whatsoever.

SECTION 4: The owners, occupants and users of such tracts of land shall be entitled to all of the rights and privileges, and be subject to all laws, ordinances, rules and regulations of such City. Such owners, occupants and users shall receive substantially the benefits of other owners, occupants and users of land within such City as soon as practicable and adequate plans and necessary City Council action, if any, to furnish such benefits as police, fire, snow removal and water service shall be adopted as provided in Neb Rev. Stat. §16-120.

SECTION 5: The cost of extending all City services to the property will be the sole responsibility of the developer.

April 8, 2010

SECTION 6: This Ordinance shall become effective upon its passage and approval and publication as provided by law.

Community Development Director Rick Houck gave a visual presentation illustrating the property to be annexed to allow Farm Credit Services the opportunity to build a new facility. Councilman Kusek asked if Otoe Road will be annexed. Mr. Houck advised Council that approximately 500 feet of Otoe Road and a portion of the highway will have to be annexed. An agreement will need to be established with the State of Nebraska for maintenance of the highway. Annexation must take place across 10th Street because the annexation of any and all abutting streets and highways is required. Interim City Manager Miller explained his interpretation of the law is that if property is annexed so that property is owned on both sides of the street, then the street has been annexed. He will research whether Otoe Road will have to be included in the annexation. Farm Credit Services will have the option to implement a Development Agreement to charge a tap fee into the sewer line to allow them the ability to recoup the money invested for the installation of the line. Councilman Kusek expressed concern regarding property development and the potential of interfering with the Heartland Express road expansion. Mr. Houck advised Council there is an adequate amount of right of way according to the State of Nebraska Department of Roads.

Roll call vote with the following results:

Voting Aye: Rowley, Kusek, Benzel, Feldges.

Voting Nay: None.

Abstaining: Yeager.

Motion carried.

- The next item for Council's discussion was Resolution No. 10-37 authorizing free landfill days to all City of Alliance residential refuse customers from April 19-24, 2010, with the exception of construction and demolition materials.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to approve Resolution No. 10-37 which follows in its entirety:

RESOLUTION NO. 10-37

WHEREAS, The City of Alliance maintains the City Landfill; and

WHEREAS, The City desires to encourage its residents to clean up trash and debris that may have accumulated around their property; and

WHEREAS, The City desires to waive the landfill fees and state-mandated costs to take care of trash and debris that is collected by the landfill for a limited period of time which shall be designated as Alliance City Wide Clean Up Days; and

April 8, 2010

WHEREAS, Said expenses for the landfill and the expenses to hire people to collect trash and debris and deliver it to the landfill will need to be paid.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance that the 19th day through the 24th day of April will be Alliance City Wide Clean Up Days.

BE IT FURTHER RESOLVED the City of Alliance Landfill will waive all fees for the trash and debris that is delivered to it during those days by residential trash customers of the City of Alliance, except for construction and demolition materials.

Roll call vote 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. 10-38 authorizing the use of Central Park and the fountain area for camping and concession areas for participants of the Bike Ride Across Nebraska event on June 6, 2010.

Motion by Mayor Yeager, seconded by Councilwoman Rowley to approve Resolution No. 10-38 which follows in its entirety:

RESOLUTION NO. 10-38

WHEREAS, Bike Ride Across Nebraska is a non-profit recreational activity that occurs annually; and

WHEREAS, Bike Ride Across Nebraska will be coming to Alliance, Nebraska, on June 6, 2010, and leaving on June 7, 2010; and

WHEREAS, The riders will need a place to camp overnight, the ability to have food and equipment vendors to supply needs, as well as other necessary facilities; and

WHEREAS, The Alliance Chamber of Commerce, on behalf of the Bike Ride Across Nebraska has requested the suspension of the "no overnight camping" rule in Central Park and the fountain area for the night of June 6 through the morning of June 7, 2010; and

WHEREAS, The Alliance Chamber of Commerce has requested the closure of 9th Street from Sweetwater to Niobrara Avenues so that vendors can set up on the City street; and

April 8, 2010

WHEREAS, Vendors will be required to have a permit through the Culture and Leisure Services Department and product liability insurance, as is appropriate; and

WHEREAS, The Mayor and City Council believe that supporting Bike Ride Across Nebraska is in the best interest of the citizens of Alliance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the participants of Bike Ride Across Nebraska shall be authorized to camp overnight in Central Park and the fountain area on the night of June 6, 2010 through the morning of June 7, 2010.

BE IT FURTHER RESOLVED that 9th Street shall be closed between Sweetwater and Niobrara Avenues from the hours of 9:00 A.M. June 6, 2010 until 9:00 A.M. June 7, 2010, to allow vendors to set up on the City street.

BE IT FURTHER RESOLVED that the Alliance Chamber of Commerce, or their designees, may set up the necessary facilities to meet the needs of the participants of Bike Ride Across Nebraska.

Keep Alliance Beautiful Director Deb Dopheide, 424 Toluca Avenue, addressed Council giving them a brief overview of the event. She advised Council that the BRAN ride, Thunder on the Prairie Car Show and the Shrine Circus would all have events taking place in the Central Park area the same weekend. Cultural and Leisure Services Director Shana Brown assured Council that she would work with the other groups regarding street closures to allow for adequate fire and rescue services as well as refuse removal and underground sprinkler issues.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be presented to Council was Resolution No. 10-39 authorizing approval of the Memorandum of Understanding with the Box Butte County Commissioners for zoning and subdivision services.

Motion by Councilwoman Rowley, seconded by Councilman Kusek to approve Resolution No. 10-39 which follows in its entirety:

RESOLUTION NO. 10-39

WHEREAS, Box Butte County, Nebraska, desires to hire someone to provide zoning and subdivision services for Box Butte County; and

April 8, 2010

WHEREAS, The County Commissioners of Box Butte County, Nebraska, inquired as to the possibility of hiring the Community Development Director to provide zoning and subdivision services to Box Butte County, Nebraska; and

WHEREAS, A Memorandum of Understanding was prepared to authorize the City of Alliance, Community Development Director, to provide zoning and subdivision services to Box Butte County, Nebraska; and

WHEREAS, The Box Butte County Commissioners, at their March 15, 2010, meeting approved the Memorandum of Understanding; and

WHEREAS, Staff believes that the Memorandum of Understanding is appropriate and in the best interest of the citizens of the City of Alliance and Box Butte County, in that it allows for zoning and subdivision services to be similar and enforced in a similar way in both the County and the City.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Memorandum of Understanding, which was approved March 15, 2010, by the Box Butte County Commissioners to authorize the Community Development Director of the City of Alliance to provide zoning and subdivision services to Box Butte County is approved.

BE IT FURTHER RESOLVED that this does not provide a cooperative zoning and planning service but rather authorizes the Community Development Director for the City of Alliance to serve both the City of Alliance and independently serve Box Butte County.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 10-40 authorizing an Agreement with Dr. Mark Chu to provide medical director services to the City of Alliance Fire Department was the next item to be presented to Council.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Resolution No. 10-40 which follows in its entirety:

RESOLUTION NO. 10-40

WHEREAS, The City of Alliance provides funding for the Alliance Volunteer Fire Department; and

April 8, 2010

WHEREAS, Nebraska State Statues require that the City of Alliance Fire Department have a medical director who is a licensed medical doctor; and

WHEREAS, The Fire Chief along with Assistant Fire Chief of EMS Services of the Alliance Fire Department both have contacted local medical physicians to determine interest and qualifications for being the medical director for the City of Alliance Fire Department; and

WHEREAS, Dr. Mark Chu has the qualifications and indicated a desire to be the medical director for the City of Alliance Fire Department; and

WHEREAS, Dr. Mark Chu is currently serving as the interim medical director for both the Alliance Rural Fire Protection District and the City of Alliance; and

WHEREAS, A contract for medical director services has been drafted and is included in the Council packet for review; and

WHEREAS, City Council believes it is in the best interest to hire Dr. Mark Chu to serve as the medical director of the City of Alliance Fire Department.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign the Medical Director Agreement with Dr. Mark Chu for the ambulance service.

Roll call vote 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. 10-41 rescinding prior City Council action to approve Resolution No. 09-27 authorizing an Agreement with the Nebraska Department of Roads for improvements to Potash Avenue between 2nd Street and Kansas Street and Resolution No. 10-42 authorizing a new Agreement with the Nebraska Department of Roads for improvements to Potash Avenue between 2nd Street and Kansas Street using their new policies.

Motion by Councilman Feldges, seconded by Councilwoman Rowley to approve Resolution No. 10-41 which follows in its entirety:

RESOLUTION NO. 10-41

WHEREAS, The City of Alliance has determined that Potash Avenue from East 2nd Street to Kansas Street is in need of improvements and repairs; and

April 8, 2010

WHEREAS, The City of Alliance was eligible for Surface Transportation Program (STP) funds by the Department of Transportation, Federal Highway Administration; and

WHEREAS, The State of Nebraska Department of Roads had provided a proposed Agreement between the City of Alliance and the State of Nebraska Department of Roads for South Potash road improvement which was designated Project No. URB-6263(1), State Control No. 51347; and

WHEREAS, The City Council for the City of Alliance authorized the Mayor to sign the Agreement with the State of Nebraska Department of Roads for Project No. URB-6263(1), State Control No. 51347; and

WHEREAS, The State of Nebraska Department of Roads voided the Agreement and prepared a new Agreement in accordance with new policies; and

WHEREAS, The City needs to rescind Resolution No. 09-27 which authorized the acceptance of the Agreement with the State of Nebraska Department of Roads for Project No. URB-6263(1), State Control No. 51347.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the prior Resolution No. 09-27 is hereby rescinded.

BE IT FURTHER RESOLVED that the proposed Agreement between the City of Alliance and the State of Nebraska Department of Roads for South Potash Road Improvement which was designated Project No. URB-6263(1), State Control No. 51347 dated March 5, 2009 is cancelled.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Feldges, seconded by Councilman Benzel to approve Resolution No. 10-42 which follows in its entirety:

RESOLUTION NO. 10-42

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

WHEREAS, The City has determined that Potash Avenue, from East 2nd Street to Kansas Street is in need of improvements and repairs; and

April 8, 2010

WHEREAS, The City of Alliance is eligible for Surface Transportation Program (STP) funds by the Department of Transportation, Federal Highway Administration; and

WHEREAS, The federal share payable on any portion of an STP project will be a maximum of 80% of the eligible cost; and

WHEREAS, The State of Nebraska is willing to cooperate to the end of obtaining the federal approval of the proposed work and federal funds for the construction of the proposed improvement provided that no State funds are to be expended on this project; and

WHEREAS, The State's responsibility is to provide quality assurance and project oversight to insure that the project is designed, constructed and managed according to the federal regulations; and

WHEREAS, The State of Nebraska Department of Roads has provided a proposed Agreement between the City of Alliance and the State of Nebraska Department of Roads for the South Potash road improvements which is designated Project No. URB-6263(1), State Control No. 51347; and

WHEREAS, The City Council determines it is in the best interest of the City of Alliance to enter into the Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign the Agreement with the State of Nebraska Department of Roads for Project No. URB-6263(1), State Control No. 51347;

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, Benzal, Feldges.

Voting Nay: None.

Motion carried.

- The next item to be presented to Council was Resolution No. 10-43 authorizing the use of City Council Contingency Funds in the amount of \$20,400 for the purchase and installation of an outdoor warning siren.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to approve Resolution No. 10-43 which follows in its entirety:

RESOLUTION NO. 10-43

April 8, 2010

WHEREAS, The City of Alliance has a emergency warning siren system for the citizens of the City of Alliance; and

WHEREAS, A recent study was conducted and it was determined that the central part of the City of Alliance was without coverage; and

WHEREAS, There are Council Contingency Funds available for the purchase and installation of a new emergency warning siren; and

WHEREAS, City Council believes it is in the best interest of the citizens of Alliance to provide emergency warning sirens for the City of Alliance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that up to Twenty Thousand Four Hundred and no/100ths Dollars (\$20,400.00) shall be expended from City Council Contingency Funds to purchase and install an emergency outdoor warning siren in the central part of the City.

BE IT FURTHER RESOLVED, that City staff is authorized to proceed with purchases as authorized by the City of Alliance Purchasing Policy.

BE IT FURTHER RESOLVED, that the Mayor is authorized to sign the contract or other appropriate documentation for the purchase and installation of the emergency outdoor warning siren.

BE IT FURTHER RESOLVED, that all residents of the City of Alliance and Box Butte County are encouraged to participate in emergency preparedness which at a minimum should include the development of an emergency plan and utilizing, obtaining and maintaining a weather alert radio.

Fire Chief Troy Shoemaker advised Council that the siren in the central portion of the City had previously been located at the former Central School location. The new sirens will be placed at the old tennis courts and will provide an outdoor warning signal.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 10-44 authorizing the use of up to \$4,000.00 for expenses involved with the Veteran's Cemetery Dedication and Opening Ceremony was the next item on Council's agenda.

April 8, 2010

Motion by Mayor Yeager, seconded by Councilwoman Rowley to approve Resolution No. 10-44.

Councilman Kusek explained that the funding would be used for internal transfer use only for extra staff and equipment used by the City.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to amend Resolution No. 10-44 in the third whereas to read, “will have additional staff and equipment”, in the fourth whereas to read, “providing various City services”, and in the final paragraph to read “fund City expenses during the Veterans Cemetery Dedication and Opening Ceremony.”

Roll call vote on the amendment with the following results:

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

Voting Nay: None.

Motion carried.

AMENDED RESOLUTION NO. 10-44

WHEREAS, The Nebraska Veterans Cemetery is being constructed near Alliance, Box Butte County, Nebraska; and

WHEREAS, The Veterans Cemetery will hold its Dedication and Opening Ceremony August 13, 2010; and

WHEREAS, The City of Alliance will have additional staff and equipment expenditures for the Veterans Cemetery Dedication and Opening Ceremony; and

WHEREAS, City Council believes it is in the best interest of the City of Alliance to support the Veterans Cemetery by providing various City services involved in the Veterans Cemetery Dedication and Opening Ceremony.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that up to Four Thousand and no/100ths Dollars (\$4,000.00) may be expended from City Council Contingency Funds to fund City expenses during the Veterans Cemetery Dedication and Opening Ceremony.

Roll call vote on Resolution No. 10-44 as amended with the following results:

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

Voting Nay: None.

April 8, 2010

Motion carried.

- The next item to be reviewed by Council was Resolution No. 10-45 authorizing Capital Improvement and Capital Equipment purchases during the third quarter of the City's fiscal year.

Motion by Councilwoman Rowley, seconded by Councilman Feldges to approve Resolution No. 10-45 which follows in its entirety:

RESOLUTION NO. 10-45

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

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 third quarter of the 2009-2010 fiscal year; and

WHEREAS, The Acting City Manager has reviewed and approved the proposed schedule of capital purchases for the third 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 third quarter of the 2009-2010 fiscal year, totaling One Million Thirty Five Thousand Twenty and No/100ths Dollars (\$1,035,020.00) is hereby approved.

BE IT FURTHER RESOLVED, that City staff is authorized to proceed with the purchases noted on the schedule.

Mayor Yeager asked about the Capital Outlay for radar units for the Police Department and how many cars are encompassed in the \$3,600.00 expenditure. Councilman Benzel asked if the traffic light at 4th and Box Butte is necessary. Community Development Director Rick Houck explained that the Box Butte Streetscape and the 4th Street traffic light projects are both contingent upon grant approval. Councilman Kusek questioned the absence of tennis court repair from the Capital Improvements Plan and was advised that staff would investigate the reason. Council also asked if the crosswalk on Third Street was encumbered. Councilman Benzel reiterated that the drainage problem on 25th Street needs to be addressed prior to the mill and overlay project.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

April 8, 2010

- Resolution No. 10-46 was the next item for Council's review. This resolution will name Acting City Manager Larry Miller as the alternate representative to the MEAN Board of Directors, NMPP Members' Council and the MEAN Management Committee.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Resolution No. 10-46 which follows in its entirety:

RESOLUTION NO. 10-46

WHEREAS, The City of Alliance, Nebraska is a part to the Electrical Resource Pool Agreement and, pursuant to the terms of such Agreement, has the responsibility to designate a representative and alternate representative to the Municipal Energy Agency of Nebraska Management Committee; and

WHEREAS, The designated Representative and Alternate Representative terms will expire April 4, 2010; and

WHEREAS, Council designated a Representative and an Alternate Representative to the Municipal Energy Agency of Nebraska Management Committee; and

WHEREAS, Council needs to designate a new Alternate Representative to the Municipal Energy Agency of Nebraska Management Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that Larry L. Miller, Acting City Manager, is appointed as the Alternate Representative to the Municipal Energy Agency of Nebraska Management Committee.

BE IT FURTHER RESOLVED, that Larry L. Miller, Acting City Manager, is appointed to serve as alternate director to represent the City of Alliance on the Board of Directors of the Municipal Energy Agency of Nebraska. This appointment will run for a term of three (3) years with the powers and duties incident to such office.

BE IT FURTHER RESOLVED, that the City Clerk shall give written notice to the Municipal Energy Agency of Nebraska of the appointments and any certificates of the appointments or the passing of this Resolution.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was a board resignation and a board appointment.

April 8, 2010

Motion by Councilman Feldges, seconded by Councilman Kusek to accept the resignation of Travis Hawk from the Police/Citizen Advisory Board.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Feldges, seconded by Councilwoman Rowley to appoint Anna M. Sutton to the Alliance Park and Tree Board for a term expiring February, 2013.

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 a personnel matter.

Councilman Kusek 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 a personnel matter. The motion was seconded by Councilman Feldges.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

The closed session began at 9:00 p.m. and ended at 9:20 p.m.

Upon re-entering into open session Councilman Feldges moved to increase the salary of Larry Miller by 10% for serving as the Interim City Manager beginning April 5, 2010 throughout his interim period. The motion was seconded by Councilman Benzel.

- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 9:28 p.m."

April 8, 2010

(SEAL)

Ralph Yeager, Mayor

Linda S. Jines, City Clerk