

April 22, 2010

## ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, APRIL 22, 2010

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

The Alliance City Council met in a Regular Meeting, April 22, 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 15, 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 22, 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 Executive Secretary Bentley.

- 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 Councilman Kusek to approve the Consent Calendar which follows in its entirety:

### CONSENT CALENDAR – APRIL 22, 2010

1. Approval: Minutes of the Regular Meeting, April 8, 2010.
2. Approval: Payroll and Employer Taxes for the period March 20, 2010 through April 2, 2010 inclusive: \$158,277.85 and \$11,194.29 respectively.

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3. Approval: Claims against the following funds for the period April 5, 2010 through April 19, 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; \$948,363.72.
4. Approval: The Request of the Route 385 Cruisers for their 10th Annual Car Show and Rod Run events on Saturday, June 5th and Sunday, June 6th . The Club would once again like to host their dance at the Airport within a hangar, with alcohol being catered by the VFW. The car show will be held in Central Park and the Club is requesting the street closure of Yellowstone Avenue between 9th and 10th Streets and 9th Street between Yellowstone and Niobrara Avenues.
5. Approval: Resolution No. 10-47 granting a Special Designated Liquor License to Qujo Inc. dba Bowl-Mor Lanes & Lounge for Saturday, May 22, 2010 for the 20/20 Days Bike Rally.
6. Approval: Resolution No. 10-48 granting a Special Designated Liquor License to Qujo Inc. dba Bowl-Mor Lanes & Lounge for Friday and Saturday, July 23rd and 24th, 2010 for Heritage Days.
7. Approval: The following Contractor Licenses:
 

General Contractor	Terry Peltz, dba Peltz Construction Co., Inc. Shawn Houchin, dba Clau-Chin Construction Roger Solberg, dba Cleary Building Corp. Kenneth L. Wood, dba K. L. Wood & Co.
Journeyman Plumber	Curt Plooster, dba Plooster Water, Inc.
Limited & Specialty	T. Eric Farrar, dba Rosenbaum's Signs Brad VanPelt, dba VanPelt Fencing Douglas W. Hoffman, dba D & D Appliance Repair
Repair & Maintenance	Tod Heldenbrand, dba 4th Street Fencing, Heating & Cooling
Master HVAC	Tod Heldenbrand, dba 4th Street Fencing, Heating & Cooling
8. 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.

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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 asked about the Route 385 Cruisers Car Show in Central Park and whether their event will conflict with the Bike Ride Across Nebraska participants which will be held the same weekend. Mike McGinnis, 1512 West 3<sup>rd</sup> Street addressed Council stating that he has attended a meeting with representatives from BRAN. There will be no timing conflict for park usage or street closure due to the fact that the Car Show has only requested street closure of 9<sup>th</sup> Street on June 5, 2010 and their event will be over approximately the same time the BRAN riders arrive in Alliance on Sunday, June 6, 2010. Councilman Benzel questioned charges for a rebuilt motor. Public Facilities Director Eric Lenz explained the charges are for one of the refuse trucks and the extended warranty from Cummins has been refused due to dust in the engine. Councilman Kusek asked about a charge for lake management supplies. Cultural and Leisure Services Director Shana Brown advised Council the charge is for a year's supply of aqua clear treatment for algae control as well as aeration start up at Laing Lake. Councilman Feldges asked about wildlife training at the Alliance Municipal Airport. Public Facilities Director Lenz told Council that the FAA requires the City to have a Wildlife Mitigation Plan which includes a table top training exercise about the procedure to keep wildlife off the runways. The charge encompasses expenses incurred by representatives of the USDA who provide the training.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The presentations of three proclamations were the next items on Council's agenda.

Councilman Feldges read the proclamation for Arbor Day which follows in its entirety:

### **PROCLAMATION**

*WHEREAS*, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

*WHEREAS*, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

*WHEREAS*, Arbor Day is now observed throughout the nation and the world; and

*WHEREAS*, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

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*WHEREAS*, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

*WHEREAS*, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

*WHEREAS*, Trees are a source of joy and spiritual renewal; and

*WHEREAS*, The City of Alliance has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways,

*NOW, THEREFORE*, the City Council of Alliance, Nebraska, does hereby proclaim April 30, 2010 as

### **ARBOR DAY**

in the City of Alliance, Nebraska, and I urge all citizens to support efforts to care for our trees and woodlands and to support our City's community forestry program; and

*FURTHER*, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

The proclamation was presented to Morris Clyburn, representative of the City of Alliance.

Councilman Kusek read the proclamation for National Drinking Water Week which follows in its entirety:

## **Proclamation**

*WHEREAS*, Water is our most valuable natural resource; and

*WHEREAS*, Only tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and

*WHEREAS*, Any measure of a successful society – low mortality rates, economic growth and diversity, productivity, and public safety – are in some way related to access to safe water; and

*WHEREAS*, We are all stewards of the water infrastructure upon which future generations depend; and

*WHEREAS*, Each citizen of our community is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues.

*NOW, THEREFORE*, I Ralph Yeager, Mayor of Alliance, do hereby proclaim May 2-8, 2010 as:

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## **Drinking Water Week**

*IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 22<sup>nd</sup> day of April in the year of the Lord Two Thousand Ten.

The proclamation was presented to Mike Hulquist, City of Alliance Water Superintendent.

Mayor Yeager read the proclamation for Electric Safety Month which follows in its entirety:

## **Proclamation**

*WHEREAS*, Hundreds of people die and thousands are injured each year in electrical accidents; and

*WHEREAS*, There are, on average, 860 civilian deaths annually related to home fires caused by electrical distribution, appliances and equipment, and heating and air conditioning systems; and

*WHEREAS*, More than three people are electrocuted in the home and five more in the workplace each month; and

*WHEREAS*, Property damage due to home fires caused by electrical distribution, appliances and equipment, and heating and air conditioning systems amounts to nearly \$1.6 billion annually; and

*WHEREAS*, Following basic electrical safety precautions can help prevent injury or death to thousands of people each year; and

*WHEREAS*, Citizens are encouraged to check their home and workplace for possible electrical hazards to help protect lives and property; and

*WHEREAS*, Citizens are encouraged to test their smoke detectors and ground fault circuit interrupters monthly and after every major electrical storm; and

*WHEREAS*, The efforts of the Electrical Safety Foundation International and the U.S. Consumer Product Safety Commission promotes and educates the public about the importance of respecting electricity and practicing electrical safety in the home, school and workplace; and

*WHEREAS*, *Alliance Electrical Department* is actively helping to move this effort forward in order to reduce the number of electric accidents.

*NOW, THEREFORE*, I Ralph Yeager, Mayor of Alliance, do hereby proclaim May as:

**ELECTRICAL SAFETY MONTH**

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And encourage all citizens to observe the importance of establishing and practicing electrical safety habits in the home, school and workplace to decrease electrical hazards, injuries, property damage and to prevent deaths.

*IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 22<sup>nd</sup> day of April in the year of the Lord Two Thousand Ten.

The proclamation was presented to Morris Clyburn, City of Alliance Electric Department lineman.

- The second 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 10<sup>th</sup> Street and U.S. Highway 385 was the next item for Council's discussion.

Motion by Councilwoman Rowley, seconded by Councilman Feldges to approve Ordinance No. 2660 on second reading. Executive Secretary Bentley read the ordinance by title as follows:

#### **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 LIMITS 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.

Community Development Director Rick Houck advised Council that a review of State Statutes indicates that the county road does not have to be annexed by legal description. If the City annexes land abutting or contiguous to a county road it is already annexed. The description of the property has been changed to exclude the right of ways. Mr. Houck recommends that further action is not taken until a Development Agreement has been completed by Farm Credit Services.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to amend Ordinance No. 2660 to reflect a corrected legal description.

Roll call vote on the amendment with the following results:

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

Voting Nay: None.

Motion carried.

**AMENDED 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 LIMITS 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

WHEREAS, The City of Alliance Planning Commission, in their regular meeting on the 9<sup>th</sup> 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. 10<sup>th</sup> 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 northeast corner of the intersection of West 10<sup>th</sup> Street and U. S. Highway 385; Thence westerly across U. S. Highway 385 to the northwest corner of West 10<sup>th</sup> Street/Otoe Road and U.S. Highway 385; thence continuing westerly along the north right-of-way line of West 10<sup>th</sup> Street/Otoe Road to the westerly lot line of Lot 4, Block 2, Fullerton – Hurley Commercial Tracts projected south to the northerly right-of-way line of West 10<sup>th</sup> Street/Otoe Road; Thence northerly on the said westerly lot line to

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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 southerly on the western right-of-way line of U.S. Highway 385 to the northwest corner of the intersection of West 10<sup>th</sup> Street/Otoe Road and U.S. Highway 385, Alliance, Nebraska, the point of termination.

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.

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

Roll call vote on the second reading of Ordinance No. 2660 as amended with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be presented to Council was Resolution No. 10-49 granting approval of the additional premises of the Class D Liquor License of Nick's Gas & Liquor located at 224 East 3<sup>rd</sup> Street.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Resolution 10-49 which follows in its entirety:

**RESOLUTION NO. 10-49**

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WHEREAS, The City of Alliance has received a notice and copy of an Application for an Addition to Liquor License submitted by Santokh Singh, dba Nick's Gas and Liquor; and

WHEREAS, The Alliance City Council has reviewed the application; and

WHEREAS, Council considered evidence bearing upon the propriety of the addition to the liquor license; and

WHEREAS, The Council determined that it should recommend the Nebraska Liquor Control Commission approve the Application for Addition to Liquor License submitted by Santokh Singh, dba Nick's Gas and Liquor.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that the City Council does recommend the Application for Addition to Liquor License submitted by Santokh Singh, dba Nick's Gas and Liquor, which is located at 224 East Third Street, in Alliance, Nebraska be approved.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 10-50 reauthorizing funds from the Community Betterment Fund for relocation expenses of the Alliance Rifle Club was the next item for Council's consideration.

Motion by Councilman Feldges, seconded by Councilman Kusek to approve Resolution No. 10-50 which follows in its entirety:

#### **RESOLUTION NO. 10-50**

WHEREAS, The City of Alliance retains the ownership interest of the land around the Veteran's Cemetery; and

WHEREAS, The City of Alliance is responsible for the preparation and maintenance of the site buffer of the Veteran's Cemetery; and

WHEREAS, Council has Community Betterment Funds available and believes it is in the City's interest to assist entities in relocating assets and cleaning up the site buffer area of the Veteran's Cemetery; and

WHEREAS, The Council has allocated Ten Thousand and no/100ths Dollars (\$10,000.00) for reimbursement of expenses of entities in relocating their assets from the site

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buffer area of the Veteran's Cemetery or for general preparation and maintenance of the site buffer area; and

WHEREAS, Only Three Thousand Seven Hundred Thirty Four and 25/100ths Dollars (\$3,734.25) were used of the allocated funds before the end of the fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Six Thousand Two Hundred Sixty Five and 75/100ths Dollars (\$6,265.75) of Community Betterment Funds shall be designated for payment of or reimbursement of expenses of entities in relocating their assets from the site buffer area of the Veteran's Cemetery or for general preparation and maintenance of the site buffer area.

BE IT FURTHER RESOLVED that staff is authorized to allocate the designated Community Betterment Funds and all inquiries and approvals shall be through the City Manager's Office.

BE IT FURTHER RESOLVED these Community Betterment Funds will only be available for expenses incurred prior to July 20, 2010, without further action by the City Council.

Guy Hielscher, 6550 Otoe Road addressed Council indicating that there is 7283 cubic yards of dirt in the berms which calculates to approximately 364 loads that need to be removed. The money will be used to reimburse volunteers for fuel and drivers. Council recommended the front two feet be removed first and then inspect the remainder of the berm for remaining shells. If additional shells are not detected, the remainder of the earth could be graded to reduce the cost. Council questioned the possibility of additional dirt being added to the berms.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be presented to Council was Resolution No. 10-51 authorizing an Agreement to lease an Ultimail 95 Mailing System.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to approve Resolution No. 10-51 which follows in its entirety:

#### **RESOLUTION NO. 10-51**

WHEREAS, The City of Alliance sends out large quantities of U.S.P.S. mail; and

WHEREAS, The City had purchased a Francotyp-Postalia postage machine; and

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WHEREAS, The print head on the machine has gone out and a new print head would cost One Thousand Seven Hundred and no/100ths Dollars (\$1,700.00); and

WHEREAS, The Finance Department has compared the cost of purchasing versus leasing of the same equipment; and

WHEREAS, Pursuant to the Procurement Policy of the City of Alliance, a determination was made that this is a small purchase and because there are limited number of vendors, it was determined that informal quotations were appropriate; and

WHEREAS, At least three businesses were solicited to submit quotations and two businesses submitted quotations; and

WHEREAS, The City is currently with GreatAmerican Leasing Corp. and if we accept their bid, they are agreeing to write off Five Hundred Twenty Five and no/100ths Dollars (\$525.00) of labor and One Hundred Eighty Five and no/100ths Dollars (\$185.00) in parts and not charge for the print head that they have loaned to us to make our machine operate; and

WHEREAS, Staff is recommending the lease of an Ultimail 95 from GreatAmerican Leasing Corp in the amount of Two Hundred Seventy Five and no/100ths Dollars (\$275.00) per month for Sixty (60) months; and

WHEREAS, The City Council believes it is in the best interest of the City to lease a postage machine; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign a Sixty (60) month lease agreement with GreatAmerican Leasing Corp in the amount of Two Hundred Seventy Five and no/100ths Dollars (\$275.00) per month for the lease of an Ultimail 95 mailing system, Ultimail 95 Teleset Postage Meter and an Automatic Feeder, including meter rental and resets; U.S.P.S. Rate Change Protection and Equipment Maintenance Agreement.

Steve Lyster, Utilities Manager addressed Council indicating the City of Alliance generates approximately 25,000 pieces of mail per year. He prefers the lease option rather than buying the equipment due to the maintenance package that is part of the lease option.

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 review was Resolution No. 10-52 updating the Knight Museum and Sandhills Center Rental and Use Policy.

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Motion by Mayor Yeager, seconded by Councilman Kusek to approve Resolution No. 10-52 which follows in its entirety:

**RESOLUTION NO. 10-52**

WHEREAS, The City of Alliance operates the Knight Museum and Sandhills Center;  
and

WHEREAS, The Mayor and City Council adopted a Museum Rental Policy on the 25th day of September, 2008; and

WHEREAS, The Knight Museum and Sandhills Center is now fully operational and staff is recommending changes and additions to the Museum Rental and Use Policy; and

WHEREAS, Council has reviewed the proposed changes in the Museum Rental and Use Policy and has determined it is in the best interest of the City of Alliance to adopt the revised Policy; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance Museum Rental and Use Policy, which was adopted the 25th day of September, 2008, is revised and amended as provided in the Policy which is included with the Council packet.

BE IT FURTHER RESOLVED that these amendments shall be effective May 1, 2010.

Cultural and Leisure Services Director Shana Brown advised Council that procedures are under advisement to prevent persons renting the gallery from having access to the exhibit area. Councilman Feldges asked if a \$150.00 deposit was adequate. Mrs. Brown advised Council that she was trying to balance the amount needed to cover the valuation and making it affordable.

Motion by Councilman Feldges, seconded by Councilman Benzel to raise the amount of the deposit to \$300.00 within the policy.

Roll call vote on the amendment in the policy with the following results:

Voting Aye: Yeager, Benzel, Feldges.

Voting Nay: Rowley, Kusek.

Motion carried.

Roll call vote on Resolution No. 10-52 with the following results:

Voting Aye: Yeager, Benzel, Kusek, Feldges.

Voting Nay: Rowley.

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Motion carried.

- Resolution No. 10-53 authorizing the utilization of \$14,000 from the Golf Course Contingency Fund and \$33,535 from Fund Balance for the Golf Course Irrigation Well Project was the next item for Council's consideration.

Motion by Councilman Rowley, seconded by Councilman Kusek to approve Resolution No. 10-53 providing additional funds for the golf well project.

Gary Gerhardt, representative of Olsson Associates addressed Council and explained that his company was asked to provide a comparison regarding different well screens. The amount the company submitted to the City was just the cost comparison, not a finalized amount. The comparison amount was used in the budget process. The cost of the pipeline and pulling the old well was not included in the comparison. The project has been finished for the exception of the seating. While Sargent Irrigation was in Alliance drilling test wells, the City Manager decided to hire them to drill a test well at the golf course to save the mobilization fee. Sargent Irrigation billed for the test well; however, it was not signed off on by Olsson Associates and was not received by the City. Councilman Kusek asked for turn key estimates for future projects.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to amend the resolution by deleting the last paragraph authorizing change orders to the project.

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. 10-53**

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

WHEREAS, The irrigation well at the Skyview Golf Course failed and a new well had to be drilled; and

WHEREAS, The budget included Ninety Thousand and no/100ths Dollars (\$90,000.00) for the completion of the project; and

WHEREAS, The total cost of the project is currently estimated at One Hundred Thirty Seven Five Hundred Thirty Five and No/100ths Dollars (\$137,535.00); and

WHEREAS, Staff is requesting authority to use Golf Course Contingency Funds of Fourteen Thousand and no/100ths Dollars (\$14,000.00); the budget of Ninety Thousand and

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no/100ths Dollars (\$90,000.00) and fund balance of approximately Thirty Three Thousand Five Hundred Thirty Five and no/100ths Dollars (\$33,535.00) to pay for the completion of the golf course irrigation well.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Fourteen Thousand and no/100ths Dollars (\$14,000.00) is authorized to be expended from the Golf Course Contingency Fund for the payment of the irrigation well at Skyview Golf Course.

BE IT FURTHER RESOLVED that staff is authorized to exceed the line item in the amount of Thirty Three Thousand Five Hundred Thirty Five and no/100ths Dollars (\$33,535.00) to pay for the completion of the irrigation well at Skyview Golf Course.

Roll call vote on Resolution No. 10-53 as amended with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was Resolution No. 10-54 authorizing the replacement of a Skid Steer Loader and snow blower attachment from Sandburg Implement of Gering, NE in the amount of \$32,700.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Resolution No. 10-54 which follows in its entirety:

#### **RESOLUTION NO. 10-54**

WHEREAS, The City of Alliance, through Cultural and Leisure Services, operates the Park Division; and

WHEREAS, The Parks Division had a Bobcat with a bucket and snow blower, which had been delivered for repair; and

WHEREAS, The Bobcat, bucket and snow blower were stolen from the repair shop; and

WHEREAS, The insurance company has paid Nineteen Thousand Four Hundred Forty Eight and No/100ths Dollars (\$19,448.00) for the loss; and

WHEREAS, The Parks Division needs to replace the Bobcat skid steer, bucket and snow blower; and

WHEREAS, The Cultural and Leisure Services Director obtained the State bid for a new skid steer loader; and

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WHEREAS, The Cultural and Leisure Services Director was able to obtain an informal quote that is lower than the State bid from Sandberg Implement in Gering; and

WHEREAS, The Street Department anticipates using this Bobcat skid steer for street repairs and in the future intends to purchase attachments, the Street Department is recommending use of Street Division Contingency Funds for the difference between the insurance reimbursement and the total purchase price; and

WHEREAS, The Mayor and City Council have determined it is in the best interest to replace the skid steer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign a Purchase Agreement to purchase a 2010 Bobcat S250 from Sandberg Implement in Gering, Nebraska, including the bucket and snow blower for a total cost of Thirty Two Thousand Seven Hundred and No/100ths Dollars (\$32,700.00).

BE IT FURTHER RESOLVED that the proceeds from the insurance, in the amount of Nineteen Thousand Four Hundred Forty Eight and no/100ths Dollars (\$19,448.00) will be used to purchase the skid steer.

BE IT FURTHER RESOLVED that Thirteen Thousand Two Hundred Fifty Two Dollars and no/100ths Dollars (\$13,252.00) is authorized to be paid out of the Street Contingency Fund for the difference between insurance reimbursement and the total purchase price.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 10-55 adopting the Alliance Stewardship Alley Program was the next item to be discussed.

Motion by Councilman Feldges, seconded by Councilwoman Rowley to approve Resolution No. 10-55 which follows in its entirety:

#### **RESOLUTION NO. 10-55**

WHEREAS, The City of Alliance has alley right-of-ways that serve as conduit for critical infrastructure systems and access points to the rear of property for both the owner and utility companies; and

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WHEREAS, Currently, the City of Alliance only provides minimum maintenance on the alleys which includes material grading, a minimum of one time per year, and as needed depending on the deterioration severity of the alley surface; and

WHEREAS, The City has experienced problems with obstructions in the alley which make it difficult for City vehicles to use the alley; and

WHEREAS, Staff is proposing that the City establish the Alliance Stewardship Alley Program which will provide that if the property owners or tenants on both sides of an alley remove personal property and obstructions from the alley, as outlined in the program, and if \_\_\_\_\_% of the property owners or tenants sign up for the Alliance Stewardship Alley Program, and if the property owners or tenants deposit the equivalent of the sum of \$\_\_\_\_\_ per foot of frontage for the total length of the alley on both sides, the City will place that alley on the list of alleys to be improved on a first come first served basis; and

WHEREAS, The City will remove existing surface material to approximately 4 inches, grade the alley surface, depth and slope, and then replace the removed surface material with the appropriate depth of gravel and/or crushed concrete; and

WHEREAS, The City Council determines that it is in the best interest of the City to institute the Alliance Stewardship Alley Program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Alliance Stewardship Alley Program, which is included in the Council packets is approved and implemented by the City of Alliance

BE IT FURTHER RESOLVED that property owners must clear all obstructions as provided in the Alliance Stewardship Alley Program.

BE IT FURTHER RESOLVED that property owners must collectively deposit with the City of Alliance the sum of \$\_\_\_\_\_ per frontage foot of both sides of the alley.

BE IT FURTHER RESOLVED that once the alley has been cleared of all obstructions, and the deposit has been made, the City will place the alley on a list and on a first come, first served basis, the alley will be improved as provided in the Alliance Stewardship Alley Program.

BE IT FURTHER RESOLVED that a consensus of a minimum of \_\_\_\_\_% of the property owners must sign the Alliance Stewardship Alley Program and agree to its terms and conditions.

BE IT FURTHER RESOLVED that the City desires to build cooperation among residents to improve and maintain their alleys.

Public Facilities Director Eric Lenz advised Council that several times a year he receives calls from citizens asking if they can purchase the gravel for their alleys and have the City apply the material. This program is a proactive approach to clean up alleys and improve the surface

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conditions. Crushed concrete from the Alliance Landfill would be used as the surface material. Mr. Lenz advised Council that without actually upgrading an alley, he is unsure of the actual time and money expenditures. Mr. Lenz indicated that the public needs to be educated about the maintenance of alleys. Mayor Yeager expressed concern about the longevity of the rock. Mr. Lenz advised Council the responsibility of the City would be to keep a level of gravel in the alleys. Mayor Yeager commented the City will be expending considerable funds maintaining the gravel level. Vice Mayor Rowley indicated that she would like to see Mr. Lenz begin the education process to let the citizens decide whether they would like to participate.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to table consideration of Resolution No. 10-55 until the May 20, 2010 meeting.

Roll call vote to table Resolution No. 10-55 with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be presented to Council was Resolution No. 10-56 authorizing an application for membership in the League Association of Risk Management.

Motion by Councilman Kusek, seconded by Councilman Benzel to approve Resolution No. 10-56 which follows in its entirety:

#### **RESOLUTION NO. 10-56**

WHEREAS, The City of Alliance recognizes that the cost of purchasing insurance to protect against loss is a significant budget item that impacts the operations of the City of Alliance; and

WHEREAS, The City of Alliance recognizes the need to utilize industry recognized risk management techniques to control the costs of protecting the City of Alliance from loss; and

WHEREAS, The City of Alliance recognizes that the needs related to the types of risk created by operations of the City of Alliance, the financial exposure to loss, and the cost/benefit of use of deductibles is continually changing; and

WHEREAS, The City of Alliance wishes to consider all available alternatives to protect the City of Alliance from loss; and

WHEREAS, Self-insurance pooling among municipalities is a recognized method of financial risk transfer for protecting individual municipalities from loss; and

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WHEREAS, The League of Nebraska Municipalities has created and sponsors the League Association of Risk Management (LARM) as a Risk Management Association under the authority of the Intergovernmental Risk Management Act and the Interlocal Cooperation Act; and

WHEREAS, Municipalities throughout the State of Nebraska have joined LARM to jointly self-insure their risk of loss; and

WHEREAS, The members of LARM have found membership in a self-insurance pool to be the best alternative to protect against loss; and

WHEREAS, The City of Alliance Council has reviewed the governing documents of LARM and, after considering those rights and responsibilities, is comfortable with the prospect of accepting a membership proposal from LARM.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance will make application for membership and request a proposal for membership in the League Association of Risk Management.

BE IT FURTHER RESOLVED that such proposal for membership will be considered as an alternative to the purchase of insurance, by considering the proposal for membership separately from any bid process the City of Alliance may utilize to assist in considering purchasing insurance.

MalaDonn Schuman, 224 Park Knoll Avenue, addressed Council on behalf of Gregory's Insurance who is the current insurance provider for the City and advised them that once you choose coverage with a self-insurance pool you are locked in for three years. She told Council the City's current insurance will expire August 1, 2010. Councilman Kusek asked if Request for Proposals had been advertised. Interim City Manager Miller advised him that RFP's have not been sent out.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to come before Council was the presentation of the Comprehensive Annual Financial Report and First Quarter Financial Report by Assistant to the City Manager Aaron Smith.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to accept the Comprehensive Annual Financial Report and First Quarter Financial Report as presented.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The last item on Council's agenda was the approval of the General Contractors application of Ralph Yeager dba Yeager Construction.

Motion by Councilman Kusek, seconded by Councilman Feldges to approve the General Contractors application of Ralph Yeager dba Yeager Construction.

Roll call vote with the following results:

Voting Aye: Rowley, Kusek, Benzel, Feldges.

Voting Nay: None.

Abstaining: Yeager.

Motion carried.

- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:44 p.m."

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Ralph Yeager, Mayor

(SEAL)

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Linda S. Jines, City Clerk