

June 3, 2010

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, JUNE 3, 2010

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

The Alliance City Council met in a Regular Meeting, June 3, 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 May 27, 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 June 3, 2010 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Yeager, Council Members Kusek, Benzal, and Rowley. Also present were Interim City Manager Miller and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
- Motion by Councilman Kusek, seconded by Councilman Benzal to excuse Councilman Feldges from the meeting.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Benzal.

Voting Nay: None.

Motion carried.

- The first item on Council's agenda was the Consent Calendar.

June 3, 2010

Motion by Councilman Kusek, seconded by Councilwoman Rowley to approve the Consent Calendar which follows in its entirety:

CONSENT CALENDAR - JUNE 3, 2010

1. Approval: Minutes of the Regular Meeting, May 20, 2010.
2. Approval: Payroll and Employer Taxes for the period May 1, 2010 through May 14, 2010, inclusive: \$159,662.23 and \$11,289.95 respectively.
3. Approval: Claims against the following funds for the period May 17, 2010 through June 1, 2010: General, General Debt Service, Trust and Agency, Street, Electric, Refuse Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement; \$1,468,637.08.
4. Approval: Resolution No. 10-73 granting a Special Designated License to the Alliance Jaycees for a beer garden on Wednesday, July 21, 2010 through Saturday, July 24, 2010 as part of Heritage Days. The event will be held in the parking lot of the new Otto Building on the northeast corner of the 400 block of Box Butte Avenue.
5. Approval: The issuance of the following Contractor Licenses:

General Contractor:	Craig Gies, dba Sampson Construction Co., Inc. Freddie Serda, dba L/S Construction
Journeyman Plumber:	Steve Hessler, dba CST Mechanical, Plumbing & Heating, Inc. Anthony Green, dba CST Mechanical, Plumbing & Heating, Inc. Jason Richard, dba CST Mechanical, Plumbing & Heating, Inc.
Master Plumber:	Rick Leib, dba CST Mechanical, Plumbing & Heating, Inc.
Master HVAC:	Rick Camacho, dba CST Mechanical, Plumbing & Heating, Inc.
Repair & Maintenance:	David Kelley, dba Quality First Roofing

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 for a compressor at the library. Finance Director Benton advised Council he would look into the charge. Councilman Benzel asked about the repair of the scraper at the landfill. Electric Superintendent Larry Heinrich explained there was \$10,000.00 in capital for the replacement. Councilwoman Rowley asked why there are dual lines at the swimming pool. City Clerk Jines advised Council there is a requirement for 2 telephone lines at the pool. Councilman Benzel questioned a charge by Faris Plumbing for work done at 508 Mississippi which is a private residence.

June 3, 2010

Motion by Councilman Benzel, seconded by Councilman Rowley to remove the charge by Faris Plumbing in the amount of \$701.92 from the Consent Calendar until further research is conducted.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Benzel.

Voting Nay: None.

Motion carried.

Roll call vote on the Consent Calendar as amended with the following results:

Voting Aye: Yeager, Rowley, Kusek, Benzel.

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was the receipt of the Certified Election Results from the May 11, 2010 Primary Election.

Councilwoman Rowley read the Certified Election results which confirmed the passage of Proposition #1 which states the City does not have to add fluoride to the municipal water supply if the naturally occurring fluoride drops below the state mandated levels.

- The first reading of Ordinance No. 2662 designating a bus stop in the downtown area at the request of Box Butte County Public Transit was the next item on Council's agenda.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Ordinance No. 2662 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2662

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING SECTION 204, ARTICLE 2, AT CHAPTER 3 RELATING TO PARKING REGULATIONS TO ESTABLISH A BUS STOP FOR THE BOX BUTTE COUNTY PUBLIC TRANSIT AND REPEAL EXISTING PROVISIONS OF THE CITY CODE NOT CONSISTENT HEREWITH.

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

June 3, 2010

SECTION 1: The City of Alliance prohibits parking of buses exceeding nineteen (19) feet in length at any time and at any place upon the street within the business district as defined by the traffic regulations.

SECTION 2: The City of Alliance desires to establish a downtown parking area for the Box Butte County Public Transit buses.

SECTION 3: The Alliance Municipal Code, at Chapter 3 shall be amended to add Article 204(c) as follows:

(c) Box Butte County Public Transit shall have the right to park at a bus stop which is located on the south side of the 100 block of West 4th Street, starting at the alley and proceeding 44 feet east of the alley.

SECTION 4: That the current applicable City codes of the City of Alliance, Nebraska, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: This Ordinance shall be in full force and effect after its approval, passage and publication according to law.

Councilman Kusek asked about the type of signage. Interim City Manager Miller advised Council that two different discussions have taken place. Bus Parking Only from 9:00 a.m. to 5:00 p.m. Monday through Friday or Bus Stop are the two types of signs that have been considered.

Judy Price, Director of Box Butte County Public Transit located at the Senior Center addressed Council explaining the need for an area to park the bus to allow loading and unloading of patrons. They have 3 buses which hold 12 passengers and 2 wheelchairs that have side lifts which necessitate an area large enough to safely activate the lift for passengers. The area on 4th Street will allow alley access to assist the drivers in maneuvering the buses.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Benzel.

Voting Nay: None.

Motion carried.

- The next item for Council's consideration was Resolution No. 10-74 a request by the Alliance Jaycees for permission to conduct a fireworks display at sunset on Friday, August 13, 2010 in honor of the Grand Opening of the Veteran's Cemetery.

Motion by Mayor Yeager, seconded by Councilwoman Rowley to approve Resolution No. 10-74 which follows in its entirety:

June 3, 2010

RESOLUTION NO. 10-74

WHEREAS, The Veterans Cemetery has scheduled its grand opening for August 13, 2010; and

WHEREAS, The Alliance Jaycees have requested Council to pass a Resolution specifically authorizing a date other than June 25, 2010 to July 5, 2010, for the Alliance Jaycees to discharge fireworks; and

WHEREAS, City staff has checked with the Federal Aviation Authority and Nebraska Department of Aeronautics and have not received any objection to having the fireworks as long as the airport is closed during the display; and

WHEREAS, The Alliance Jaycees will have to request a permit from the State of Nebraska which will be reviewed by the Fire Marshal; and

WHEREAS, The Fire Chief will ultimately decide whether the fireworks display will be approved for August 13, 2010 based on the fire index and current weather conditions, and

WHEREAS, Council believes that a fireworks display to celebrate the grand opening of the Veterans Cemetery is appropriate and should be authorized by City Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Alliance Jaycees are specifically authorized to discharge fireworks within the City of Alliance on August 13, 2010, to celebrate the grand opening of the Veterans Cemetery.

BE IT FURTHER RESOLVED that if the grand opening of the cemetery is postponed for any reason, that the Alliance Jaycees are specifically authorized to discharge fireworks at the grand opening of the Veterans Cemetery whenever that date may be.

BE IT FURTHER RESOLVED that approval of the request is contingent upon receiving the appropriate Certificate of Insurance naming the City of Alliance an additional insured at least five days prior to the event.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Benzel.

Voting Nay: None.

Motion carried.

- Resolution No. 10-75 authorizing acceptance of grant funding in the amount of \$36,552.63 from the Nebraska Department of Environmental Quality for tire disposal was the next item for Council's discussion.

June 3, 2010

Motion by Councilman Kusek, seconded by Councilwoman Rowley to approve Resolution No. 10-75 which follows in its entirety:

RESOLUTION NO. 10-75

WHEREAS, The City of Alliance passed Resolution No. 10-07 which authorized the establishment of Tire Amnesty Days from September 27, 2010, through October 2, 2010, for the citizens of Alliance and Box Butte County; and

WHEREAS, Council was advised that the Nebraska Department of Environmental Quality (NDEQ) had grant funds available; and

WHEREAS, Council was advised that Keep Alliance Beautiful would make application for those grants; and

WHEREAS, The application had to be made in the name of the City of Alliance and under the City of Alliance tax identification; and

WHEREAS, The Nebraska Department of Environmental Quality has allocated Thirty Six Thousand Five Hundred Fifty Two and 63/100ths Dollars (\$36,552.63) to the City of Alliance for the tire amnesty grant; and

WHEREAS, The grant is modified from previous years in that any tire that was delivered to the landfill and a disposal fee was charged cannot be disposed of with grant funds; and

WHEREAS, Staff is asking Council to permit the City of Alliance to accept the NDEQ Waste Reduction and Recycling Incentive Fund-2010902 in the amount of Thirty Six Thousand Five Hundred Fifty Two and 63/100ths Dollars (\$36,552.63) or such additional amount as may become available; and

WHEREAS, City Council believes that participating in the Waste Reduction and Recycling Incentive Grant Program is in the best interest of the citizens of Alliance and Box Butte County.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that staff is authorized to accept the grant award from the Nebraska Department of Environmental Quality (NDEQ), Waste Reduction and Recycling Incentive Fund-2010902 in the amount of Thirty Six Thousand Five Hundred Fifty Two and 63/100ths Dollars (\$36,552.63).

BE IT FURTHER RESOLVED that said funds will be used to dispose of tires which may be delivered during the Tire Amnesty Days, which are scheduled to be held September 27, 2010 through October 2, 2010.

June 3, 2010

BE IT FURTHER RESOLVED that the City will not accept more tires during Tire Amnesty Days than there are funds to dispose of those tires under the grant.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Benzel.

Voting Nay: None.

Motion carried.

- The last item on Council's agenda was a board appointment.

Motion by Mayor Yeager, seconded by Councilwoman Rowley to re-appoint Patricia Ann Howell to the Museum Board for a term ending May 31, 2015.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Benzel.

Voting Nay: None.

Motion carried.

The Council was also notified that Lannie Shelmadine will be the Panhandle Men's Club, Inc. representative on the Golf Course Advisory Board, replacing Tim Garwood.

- Councilwoman Rowley asked about signage or cameras to keep people out of the Central Park Fountain.
- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:29 p.m."

Ralph Yeager, Mayor

(SEAL)

Linda S. Jines, City Clerk