

June 17, 2010

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, JUNE 17, 2010

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

The Alliance City Council met in a Regular Meeting, June 17, 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 June 10, 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 17, 2010 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Yeager, Council Members 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 to excuse Councilman Kusek from the meeting.

Motion by Councilman Benzel, seconded by Councilman Feldges to excuse Councilman Kusek from the meeting.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- The next item on Council’s agenda as the Consent Calendar.

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

CONSENT CALENDAR – JUNE 17, 2010

1. Approval: Minutes of the Regular Meeting, June 3, 2010.
2. Approval: Payroll and Employer Taxes for the period May 15, 2010 through May 28, 2010 inclusive: \$175,066.51 and \$12,491.84 respectively.
3. Approval: Claims against the following funds for the period December 15, 2008 through January 5, 2009: 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; \$370,418.90.
4. Approval: Update the roster of the Alliance Volunteer Fire Department by adding Daniel Perkins and removing Matt Bauer, J.C. Hardy Jr., Gary Mittan, Hank Toedtli, and Seth Vrbka.
5. Approval: As part of the Grand Opening events of the Veteran's Cemetery a dance is being planned at the hangar of Heartland Aviation at the Alliance Airport on Friday evening, August 13, 2010. The groups sponsoring the event have applied for a Special Designated Liquor License with Box Butte County which has been approved and will be submitted to the Nebraska Liquor Control Commission. The reason for the license going through the County governmental agency is the airport, although owned by the City is not within City limits. The groups sponsoring the dance are Heartland Aviation, Town and Country, and the Alliance Jaycees and they will be providing the appropriate liability insurance.
6. Approval: The Alliance Good Samaritan Society is seeking permission for the *Reserved or Exclusive Use of City Streets* for their Annual Fall Picnic. The event will be held on Thursday, September 9, 2010 between the hours of 8:00 a.m. and 3:00 p.m. The request is to close 6th Street between Flack Avenue and Lane 4. A copy of their liability insurance has been provided as is made a part of this packet for your review.
7. Approval: The issuance of a Cemetery Certificate to William M Mai and Lori Y. Mai for the Northwest Quarter (NW1/4) and the North Half of the Southwest Quarter (N1/2 SW1/4) of Lot Fifteen (15), Section Two (2), Block Seventeen (17), Second Addition to the Alliance Cemetery.
8. Approval: The issuance of the following Contractor licenses:

Repair & Maintenance Contractor	Harley W. Salway III dba Harley's Construction Services
	Juan A. Gonzalez dba J.J. Roofing

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General Contractor

Shari Tyler dba ARI Construction LLC
Larry Wilhoit dba Wilhoit 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.

Councilwoman Rowley asked about Community Garden supplies. Community Development Director Rick Houck explained the supplies are for the water system for the expanded garden areas. She also inquired about a telephone bill at the swimming pool. Interim City Manager Miller explained there are two lines at the pool and one of the lines through Qwest carries DSL capabilities to allow staff to monitor storm activity. Councilman Feldges asked about a charge to Grocery Kart for supplies for the Knight Museum and Sandhills Center. Interim City Manager Miller explained that food supplies were purchased for the Nebraska Diplomats Luncheon and then billed to the organization. He then asked about a charge from Sargent Drilling for the golf course well. Interim City Manager Miller advised Council that he would investigate the charge. Councilman Benzel questioned a charge for a coffee maker at the Alliance Municipal Airport and whether it is located in a commons area. Mr. Miller will inquire as to the location of the coffee maker. Councilman Feldges asked about a charge to Quality Flooring for carpet. Community Development Director Rick Houck advised Council the charge was for a down payment for carpeting for his office. The total charge is \$1400.00.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- The second 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 to come before Council.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Ordinance No. 2662 on second 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:

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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.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to suspend the statutory rule requiring three separate readings of Ordinance No. 2662.

Roll call vote to waive the statutory reading with the following results:

Voting Aye: Yeager, Rowley, Benzel, Feldges.

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2662 on final reading with the following results:

Voting Aye: Yeager, Rowley, Benzel, Feldges.

Voting Nay: None.

Motion carried.

Mayor Yeager stated, "the passage and adoption of Ordinance No. 2662 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

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- The next item for Council's consideration was Resolution No. 10-76 authorizing a contract with EMS Billing of Omaha, NE to handle the City's ambulance and emergency services billing.

Fire Chief Troy Shoemaker advised Council that the Rural Fire District uses EMS Billing for their ambulance billing. He indicated that the City currently collects 30-35 percent of its' emergency service bills while the Rural Fire District collects 83.41% with a gross collection rate of 62 percent. The rate schedule is set and will remain in use by EMS Billing. EMS Billing will charge 15 percent of the amount collected for their services. Mr. Paul Haith, representative of EMS Billing, told Council their average collection rate is 87 percent. They concentrate their efforts on insurance companies. He estimated the City will receive approximately \$100,000.00 more than we are receiving now.

Motion by Councilman Feldges, seconded by Councilman Benzel to approve Resolution No. 10-76 which follows in its entirety:

RESOLUTION NO. 10-76

WHEREAS, The City of Alliance has an ambulance service; and

WHEREAS, The City of Alliance bills for the ambulance services that are provided to patients in Alliance; and

WHEREAS, Ambulance billing has become more complex and as a result requires significant time and expertise; and

WHEREAS, The laws regarding ambulance billing are changing and difficult for the City staff to keep current on the laws in attempting to bill for and collect ambulance bills; and

WHEREAS, Revenues from ambulance billing have decreased and staff is of the opinion that the decrease is partly a result of the complexity of ambulance billing and changing laws regarding ambulance billing; and

WHEREAS, EMS Billing of Omaha, Nebraska is a company that provides billing services for entities that provide ambulance services; and

WHEREAS, EMS Billing of Omaha, Nebraska has been providing ambulance billing services for the Alliance Rural Fire Protection District which has been successful in collection; and

WHEREAS, Staff did not locate any other entity that would provide ambulance billing services for the City of Alliance; and

WHEREAS, The Alliance City Council believes that it is in the best interest of the City of Alliance to outsource the ambulance billing.

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Alliance that the Mayor is authorized to sign a contract with EMS Billing of Omaha, Nebraska to provide ambulance billing services to the City of Alliance.

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BE IT FURTHER RESOLVED that staff is authorized to complete any other documentation necessary to transfer the ambulance billing to EMS Billing of Omaha, Nebraska.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- Resolution No. 10-77 approving the City Manager Profile was the next item for Council's discussion.

Motion by Mayor Yeager, seconded by Councilman Benzel to approve Resolution No. 10-77 which follows in its entirety:

RESOLUTION NO. 10-77

WHEREAS, The City of Alliance retained Brimeyer Fursman, LLC to act on its behalf to conduct an Executive Search for a new City Manager; and

WHEREAS, Brimeyer Fursman, LLC has met with City Council, City Staff and other members of the City of Alliance; and

WHEREAS, Brimeyer Fursman, LLC has produced a City Manager Profile, a copy of which is submitted in City Council's packet; and

WHEREAS, City Council believes that the City Manager Profile accurately depicts the necessary job requirements, personal attributes and necessary skills and abilities for a City Manager for the City of Alliance.

NOW THEREFORE BE IT RESOLVED, by the Mayor and the City Council of the City of Alliance that the City Manager Profile created by Brimeyer Fursman, LLC is approved by City Council.

BE IT FURTHER RESOLVED, That Brimeyer Fursman, LLC is authorized to continue in their search process to find a City Manager for the City of Alliance.

Richard Fursman, representative of Brimeyer Fursman addressed Council indicating that his company left the salary range open to discussion. He advised Council that the City will attract good candidates with a salary range of \$85,000 to \$95,000 however, we will attract more candidates if the range moves up to \$98,000. He advised Council to decrease the amount of car allowance to enable them to increase the salary. He suggested a salary range of \$85,000 to \$100,000 with excellent benefits. He also suggested four years of experience as a Manager/Administrator be required of applicants. Mr. Fursman will interview twenty candidates and narrow the field down to ten for Council's review.

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Motion by Councilwoman Rowley, seconded by Councilman Benzel to accept the recommendations made by Richard Fursman for the salary range between \$85,000 and \$100,000, a minimum of 4 years of previous manager/administrator experience plus other City related experience, and the City will pay a substantial amount of the interview expenses for the final candidates and spouses.

Roll call vote to accept the recommendations to include within the City Manager Profile with the following results:

Voting Aye: Yeager, Rowley, Benzel, Feldges.

Voting Nay: None.

Motion carried.

Roll call vote on the original resolution with the following results:

Voting Aye: Yeager, Rowley, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- The next item for Council's consideration was Resolution No. 10-78 approving an Interlocal Agreement between the Hemingford Rural Fire District, Alliance Rural Fire Protection District, Village of Hemingford and the City of Alliance as well as establishing the property tax rate of .03395 for fire protection.

Motion by Councilwoman Rowley, seconded by Councilman Benzel to approve Resolution No. 10-78 which follows in its entirety:

RESOLUTION NO. 10-78

WHEREAS, The City of Alliance has considered an Interlocal Agreement pursuant to the authority of the Mutual Finance Assistance Act; and

WHEREAS, In prior years, by motion duly made and adopted, such an Interlocal Agreement has been, approved by and between Hemingford Rural Fire District; Alliance Rural Fire Protection District; City of Alliance, Nebraska; and the Village of Hemingford, Nebraska; which provides for an agreed property tax rate of .03395 for purposes of the Mutual Finance Organization created by such Agreement; and

WHEREAS, The name of the Mutual Finance Organization is Box Butte Fire Protection Mutual Finance Organization.

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NOW, THEREFORE, BE IT RESOLVED, that the Interlocal Agreement referenced herein is adopted and approved by the City Council of the City of Alliance, Nebraska.

BE IT FURTHER RESOLVED that the City of Alliance's representative to the Joint Board created by said Agreement shall be Troy Shoemaker, and the alternate shall be Larry L. Miller.

Fire Chief Troy Shoemaker addressed Council and explained how the Mutual Finance Organization works.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- Resolution No. 10-79 approving purchases in the Fourth Quarter Capital Improvement and Capital Equipment Plans was the next item for Council's review.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Resolution No. 10-79 which follows in its entirety:

RESOLUTION NO. 10-79

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 fourth quarter of the 2009-2010 fiscal year; and

WHEREAS, The City Manager has reviewed and approved the proposed schedule of capital purchases for the fourth 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 fourth quarter of the 2009-2010 fiscal year, totaling One Hundred Thirty Three Thousand One Hundred and No/100ths Dollars (\$133,100.00) is hereby approved.

BE IT FURTHER RESOLVED, that City staff is authorized to proceed with the purchases of the items listed on the following:

Streets	Lakefield Chip Seal	\$87,000.00
Public Facilities	Municipal Bldg – Capital Bldg (windows)	\$37,500.00
Museum	Knight Museum – Capital (deck furniture)	\$2,500.00

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Fire Department.	Capital – Mach. Equip. (hoses)	\$6,100.00
	Total	\$133,100.00

Fire Chief Troy Shoemaker answered questions regarding the purchase of fire hose. Assistant to the City Manager Aaron Smith spoke to Council about the Municipal Building window funds as well as the Energy Grant application and possible reasons we were not chosen as a recipient. He advised Council he will be attending grant writing classes in Fort Collins, CO this July. He also mentioned that Council might consider budgeting for exterior maintenance of the Municipal Building.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- Resolution No. 10-80 requesting the Alliance Planning Commission review and make a recommendation regarding Blighted and Substandard Designation of property was the next item to be considered by Council.

Motion by Councilman Feldges, seconded by Councilwoman Rowley to approve Resolution No. 10-80 which follows in its entirety:

RESOLUTION NO. 10-80

WHEREAS, By Ordinance passed by the City Council of the City of Alliance, the City of Alliance has created a Community Development Agency pursuant to the Community Development Law of the State of Nebraska; and

WHEREAS, A survey was conducted at the direction of the City of Alliance by the Panhandle Area Development District and the City of Alliance entitled *Redevelopment Area Substandard/Blight Survey for the West Alliance Redevelopment Area*; and

WHEREAS, Such survey describes certain areas within the City of Alliance as qualifying for designation as substandard and blighted according to the definitions of the Community Development Law; and

WHEREAS, The City Council intends to consider the declaration of a certain area within the survey boundaries as substandard and blighted, which area is legally described as follows: Beginning at the Northwest corner of Section 35, Township 25 North, thence South 33' along the West line of said Section, thence 33' East along a line parallel to the North line of said Section to

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the point of beginning, thence continuing in a southerly direction along the East right-of-way of State Hwy 2/385 for a distance of 1309.5' to a point on the North right-of-way line of West 6th Street, thence Southwesterly 68.5' to the intersection of the South right of way line of West 6th Street, and the West line of Section 35, thence South along said Section line to the Southwest corner of said Section, thence Easterly along the South line of Section 35, a distance of 73.47' to the Northwest corner of Section 4, Township 24 North, Range 48 West, thence South along the West line of Section 4 a distance of 301.71', thence East 1496.81' along a line parallel with the North line of Section 4, thence 24.1' South along a line parallel with the West line of said Section, thence continuing along a line parallel with the North line of said Section a distance of 918', thence South along a line parallel with the West line of said Section, thence Northeast along the West right-of-way line of BNSF for a distance of 1451.41', thence West along the South right-of-way line of West Kansas Street for a distance of 865.07', thence 2630.2' North along the West right-of-way line of Cody Avenue to the Northeast corner of Block 1, Syndicate Addition, thence 357.46' along the North line of said Block, thence 733.97' North along a line parallel with the West line of Section 35, thence 420.28' West along a line parallel with the South line of said Section, thence South 193.51' along a line parallel with the West line of said Section, thence 150.02' on a bearing parallel with the South line of said Section, thence South 141.4' along a line parallel with the West line of said Section, thence West 146' along a line parallel with the South line of said Section, thence Northwest to a point intersecting the West right-of-way line of Ramblin' Road 280.33' North of the Southeast corner of the tract of land at 1504/1508 West 3rd Street, thence West 220.06' along the North line of said tract, thence 102.5' West Northwest to the Northeast corner of Lot 1, Eagle's Addition, thence 244' along the North line of said Lot, thence North 198.73' along a line parallel with the West line of Section 35, thence West 45.9' along a line parallel with the South line of said Section, thence North 400.69' to the Northeast corner of the tract of land at 2431 Hwy 2, thence North 1649.41' along a line to the West line of said Section to a point intersecting the South right-of-way line of West 10th Street, thence West 420' along said line to the point of beginning. Tract of land thus comprising 200 acres, more or less; and

WHEREAS, The physical description of said properties is generally described as an area along the east side of Highway 385 from 10th Street, south of Alliance Corporate Limits along the south side of W. Kansas Street, including both sides of West 3rd Street from Highway 385, east to Cody Street, and all the land south of West 3rd Street from Highway 385 east to Cody, south to West Kansas as shown on a map which is included in the City Council packets; and

WHEREAS, The City Council believes that such areas may be substandard and blighted as evidenced by the survey, as shown by conditions such as, but not limited to, the following: areas where there is a predominance of buildings or improvements, whether residential or non-residential in nature, which by reason of dilapidation, deterioration, age, or obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces, or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors which is detrimental to the public health, safety, morals, or welfare; areas which by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, improper subdivision or obsolete planning, or the

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existence of conditions which endanger life or property by fire or other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use and in which the average age of the residential or commercial units in the area is at least 40 years; and

WHEREAS, Section 18-2109 of the Community Development Law requires the governing body of the City to submit the question of whether an area is substandard and blighted to the Planning Commission for its review and recommendation prior to making its declaration, and that the Planning Commission is to submit a written recommendation within thirty (30) days of the receipt of such request; and

WHEREAS, After the Planning Commission recommendation has been received, and after public hearing and notice according to Section 18-2115, the City Council may proceed to make a declaration with regard to the substandard and blighted character of the property named herein.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the question of whether the previously describe property, is substandard and blighted pursuant to the Community Development Law for the State of Nebraska is hereby submitted to the Planning Commission for review and recommendation.

BE IT FURTHER RESOLVED, the Planning Commission shall submit written recommendations to the City Clerk within thirty (30) days of the receipt of this request.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- The next agenda item was a presentation by Aaron Smith, Assistant to the City Manger reviewing the City's commitments for the grand opening events at the Nebraska Veteran's Cemetery at Alliance.

Mr. Smith provided Council with an Organizational Chart with the Logistics Team. Emergency services will be provided by the Alliance Fire Department. Two grass fire rigs as well as one or two ambulances will be on site. The City owned bleachers will be provided for seating. The ground will need to be prepared for parking. Council previously approved a contribution of \$4000.00 from Council Contingency Fund for expenses incurred by the City. Mr. Smith indicated that the Police Department will spend approximately \$1000.00 in overtime wages, Fire Department estimates \$400.00 in overtime wages, and possibly the rest to be designated to the Street Department for overtime and fuel expense. Councilman Feldges

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expressed concern about disturbing the native prairie to provide parking. He suggested researching charter buses to provide transportation from off-site parking areas. A suggestion has been made to provide overflow RV parking in the street in the Homestead Addition. An exemption to the RV Code would need to be waived to allow them to park overnight. Councilman Feldges asked if the Rifle Club building would be removed in time for the opening of the cemetery. Interim City Manager Miller advised Council that Guy Hielsher from the Alliance Rifle Club contacted him and indicated that trucks were available for use on July 8th and 9th. He also advised Council that once the Rifle Club removes everything from the property that they want, the Veteran's Cemetery will take the lumber to build additional storage. After both entities are finished removing everything salvageable, the City will finish cleaning the area. The Nebraska State Patrol has committed to bringing their Mobile Command Unit which will be setting up in that area to monitor the governor's safety as well as assisting with traffic control.

- The last item to come before Council was a board appointment.

Motion by Councilwoman Rowley, seconded by Councilman Benzel to appoint Laura Lachman to the A-2 Downtown Improvement Board for a term expiring October, 2011.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Benzel, 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 8:34 p.m."

Ralph Yeager, Mayor

(SEAL)

Linda S. Jines, City Clerk