

August 19, 2010

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, AUGUST 19, 2010

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

The Alliance City Council met in a Regular Meeting, August 19, 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 August 12, 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 August 19, 2010 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Yeager, Council Members Kusek, Benzel, and Feldges. Also present were Interim City Manager Miller and City Clerk Jines.

- Motion by Councilman Benzel, seconded by Councilman Feldges to excuse Councilwoman Rowley from the meeting.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- Mayor Yeager read the Open Meetings Act Announcement.
- The first item on Council’s agenda was the Consent Calendar.

August 19, 2010

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

CONSENT CALENDAR – AUGUST 19, 2010

1. Approval: Minutes of the Regular Meeting, August 5, 2010 and the Budget Workshop, July 12, 2010.
2. Approval: Payroll and Employer Taxes for the period July 24, 2010 through August 6, 2010 inclusive: \$171,938.65 and \$12,283.89 respectively.
3. Approval: Claims against the following funds for the period July 30, 2010 through August 16, 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; \$1,125,039.81.
4. Approval: Resolution No. 10-97 granting a Special Designated License to The Meat Shoppe, Inc. for a wedding reception being held at the Knight Museum and Sandhills Center on Saturday, September 18, 2010.
5. Approval: The issuance of a Cemetery Certificate to Helen J. Cox for the West One Half (W1/2) Lot Thirty-eight (38), Section Eleven (11), Block Nineteen (19), Third Addition to the Alliance Cemetery.
6. FYI: Part of the Nebraska Rural Water Association Contract with Nebraska Health & Human Services required a system assessment to comply with the State Revolving Loan Fund Contract the City has with the State for arsenic compliance. The report is included in your packet and summarizes the City's financial and managerial capacity to operate a public water system.
7. Approval: The issuance of the following contractor licenses:

General Contractor	Richard D. Smith dba Rich Smith Construction
Repair & Maintenance	Travis N. Turman Jeff Chancellor Ryan Siefken dba Siefken Contracting Scott Bolinger & Mark Vallejo dba Bolinger & Associates
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.

August 19, 2010

9. Approval/Change of Date: The Alliance Good Samaritan Society is seeking permission to change the date for the *Reserved or Exclusive Use of City Streets* for their Annual Fall Picnic. The event is being changed from Thursday, September 9, 2010 to Thursday, September 2, 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.

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 Feldges asked about charges for the Animal Shelter. Interim City Manager Miller advised Council there are still budgeted funds available and that the project is nearing completion. Councilman Kusek questioned a charge for landfill lift station boring. Electric Superintendent Larry Heinrich advised Council that a lift station was installed to allow the addition of sanitary sewer. Mayor Yeager asked about a bill for car washes for the Animal Control vehicle and the police cruisers. Mr. Miller told Council that car washes are prepaid and tokens inserted at the time the car wash is needed.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- The next agenda item was Ordinance No. 2666 approving the Preliminary Plat of Blocks 10 and 11, Syndicate Addition to the City of Alliance, Box Butte County, NE.

Motion by Councilman Benzel, seconded by Councilman Kusek to approve Ordinance No. 2666 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2666

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, APPROVING THE PRELIMINARY PLAT OF BLOCKS 10 AND 11, SYNDICATE ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA.

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

SECTION 1: The City of Alliance has received the Application for approval of the Preliminary Plat of Blocks 10 and 11, Syndicate Addition to the City of Alliance, Box Butte County, Nebraska from Syndicate Block Company and signed by Daniel F. Dickinson, Power of Attorney for Syndicate Block Company.

August 19, 2010

SECTION 2: The Planning Commission held a public hearing on August 10, 2010, and has recommended the approval of the Preliminary Plat with conditions to be met prior to the submission of the Final Plat to the Alliance City Council.

SECTION 3: The Preliminary Plat contains the information required by the City Code at 11-305 which is relevant to this request or is required to be included in the Final Plat.

SECTION 4: The Preliminary Plat of Blocks 10 and 11, Syndicate Addition to the City of Alliance, Box Butte County, Nebraska, is hereby approved and the subdividers are authorized to proceed with any required public works, elements and preparation of a Final Plat with a condition that the Final Plat include the following requirements:

- A. Two prints of preliminary plans and profiles of all public streets and sidewalks.
- B. Two prints of preliminary plans and profiles of sanitary sewers with water supply and distribution plans shown thereon.
- C. Two copies of the preliminary drainage study in form and format outlined by the Storm Drainage Design Criteria Manual and in conformance with the Master Drainage Study. Drainage easement, if approved by the City Engineer shall be shown on the preliminary plat.
- D. Two prints of a preliminary easement map for power supply and distribution, street lighting, natural gas supply and distribution, telephone service and cable television service, and such other utilities as required by the design of the subdivision.
- E. Two prints of a preliminary water supply and distribution plan.
- F. Two prints of the preliminary grading plan.
- G. An agreement between the developer and the future land owner be entered into regarding platting and dedication of a 66 foot wide road right-of-way along the east side of Block 11 from Holsten Drive south to Kansas Avenue.
- H. An agreement between the developer and the future land owner be entered into for the payment of all of the development costs, and providing a guarantee that all required subdivision improvements will be installed in accordance with the regulations or the City of Alliance and the plans and specifications as approved by the City Engineer and that said improvement costs will be totally paid by the subdivider or the future landowner for and on behalf of the subdivider as they may agree. Said agreement to further provide the improvement guarantee shall be secured by one or a combination of methods described in the Alliance Municipal Code. Surety for improvements guarantees shall be initially provided for a term of one year at which time it is expected all improvements will be installed, however the surety may be extended for one year upon the recommendation of the

August 19, 2010

Planning Commission if the subdivider requests an extension ninety day prior to expiration of the surety.

- I. Said improvements must comply with the Alliance Municipal Code unless waived by Council.:

SECTION 5: This approval shall expire one year from this date unless the Final Plat has been submitted. This approval does not constitute Final Plat approval or guarantee the approval of the subdivision to the City of Alliance or the City of Alliance's authorization to proceed on construction of improvements within the subdivision.

SECTION 6: This Ordinance shall be in full force and affect from and after its approval, passage, and publication according to law.

Community Development Director Rick Houck provided Council with a brief overview of the project.

Motion by Councilman Kusek, seconded by Councilman Benzel to suspend the statutory rule requiring three separate readings of Ordinance No. 2666.

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

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2666 on final reading with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

Mayor Yeager stated, "the passage and adoption of Ordinance No. 2666 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The second reading of Ordinance No. 2665 regarding the 2010-2011 Proposed Budget was the next item to be reviewed by Council.

Motion by Councilman Feldges, seconded by Councilman Kusek to approve Ordinance No. 2665 on second reading. City Clerk Jines read the ordinance by title which follows in its entirety:

August 19, 2010

ORDINANCE NO. 2665

AN ORDINANCE TERMED "THE ANNUAL APPROPRIATION BILL" TO PROVIDE REVENUE FOR MUNICIPAL PURPOSES OF THE CITY OF ALLIANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011, BY IMPOSING A TAX ON ALL PROPERTY WITHIN THE CITY, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS.

WHEREAS, The City Manager, in accordance with the requirements of Chapter 1, Article 2, Section 1-205, of the Municipal Code of the City of Alliance, Nebraska, has submitted to the City Council a preliminary budget. This preliminary budget being submitted to the City Council on July 6, 2010, upon which a workshop was held on July 12, 2010 and a proposed budget was produced. A public hearing will be held on said proposed budget on August 5, 2010, as required by law; and

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

SECTION 1. The budget for the fiscal year beginning October 1, 2010, submitted to and amended by the City Council, is hereby adopted.

SECTION 2. In order to provide revenue for municipal purposes, the following property tax revenues have been established for the City of Alliance:

	CITY	MFO	AIRPORT	PUBLIC SAFETY	AIRPORT SINKING	TOTAL
Budget Amount	900,000	100,000	90,000	100,000	30,000	1,220,000
1% Treasures Fee	9,000	1,000	900	1,000	300	12,200
Delinquent Allowance (5%) (can be up to 5%)	45,000	5,000	4,500	5,000	1,500	61,000
<hr/>						
Total Property Tax Request:	954,000	106,000	95,400	106,000	31,800	1,293,200

August 19, 2010

Using the following

tax levies:

	CITY	MFO	AIRPORT	PUBLIC SAFETY	AIRPORT SINKING	TOTAL
Proposed 2010	0.27642	0.03393	0.03140	0.03000	0.01210	0.38385

SECTION 3. In accordance with Reissue Revised Statutes Nebraska Chapter 16, Section 704, the following amounts shall be and hereby are recognized as the budget for the City of Alliance, Nebraska for the fiscal year 2011.

General Fund	5,427,803
Electric	8,226,454
Refuse	992,823
Sewer	358,833
Water	1,606,668
Golf Course Fund	287,865
Airport	1,242,486
Street Fund	2,182,830
RSVP	84,697
BID #1 and #2	25,600
HUD	200,000
Community Betterment (KENO)	69,300
Economic Development	70,000
LB 840 Fund	98,400
Redevelopment	6,000
Marketing	40,000
Capital Projects	558,000
Capital Equipment	388,237
General Internal Service	1,317,792
Enterprise Internal Service	471,680
Health Support Internal Service	1,649,923
General Debt Service	96,200
<i>Gross Expenditures</i>	<u>25,401,591</u>

There is hereby included \$75,000 within the General Fund Budget [City Council Activity], \$80,000 within the Electric Fund, \$50,000 within the Water Fund, \$25,000 within the Sewer Fund, \$10,000 within the Refuse Fund, \$5,000 within the Airport Fund, \$100.00 within the Special Use Bid #1 Fund, \$100.00 within the Special Use Bid #2 Fund, \$5,000 within the Community Betterment Fund, and \$50,000 within the Streets Fund to be known as "Contingency." Expenditures from any Contingency will not be authorized without an affirmative vote of the City Council for each amount to be expended.

August 19, 2010

SECTION 4. The City has a total of Unused Restricted Funds Authority of \$1,598,747.19 for Fiscal Year 2010.

SECTION 5. The tax levied under this Ordinance shall become due and payable, shall become delinquent and shall be subject to penalties, the execution of distress warrants and sale of property levied upon as provided by law.

SECTION 6. The City Clerk is hereby authorized and directed forthwith upon the passage, approval and publication of this Ordinance to forward a certified copy thereof to the County Clerk of Box Butte County, Nebraska.

SECTION 7. This Ordinance shall become effective October 1, 2010.

Ted Hempel, 1311 Buchfinck Avenue addressed Council on behalf of the Sallows Military Museum Allies. He provided Council with a brief history of the formation of the Sallows Military Museum. He advised Council there is an Agreement currently to provide an employee to the museum which is paid by City and reimbursed by the Allies. The Agreement runs from April 1st to March 31st which is not concurrent with the City's fiscal year. Mr. Hempel advised Council that he was too late to request additional funding at this year's budget hearing, but understood that additional monies had been approved. He said that he met with Cultural & Leisure Services Director Shana Brown and they agreed to request \$6,000.00 in budget funding from the City. He said that sometime between the preplanning stage and the actual proposed budget publication, the amount changed to \$4,000.00. The Allies objective was to award the Sallows Military Museum employee a small raise and possibly add some hours to her schedule with the City being responsible for the initial base pay.

Mr. Hempel received a letter from Interim City Manager Miller indicating that an Agreement exists which requires the Allies to fund the museum employee position. Mr. Hempel would like to coordinate efforts that will satisfy both entities. His solution is to go ahead and work on a \$7,000.00 basis and keep funding the Agreement with the \$3,000.00 supplemented with \$500.00 from the City and then beginning on April 1st cease the Agreement. The second half of the contract year would then be paid by the City in the amount of \$3,500.00 in wages. A new Agreement could then begin on October 1, 2011.

Finance Director Benton advised Council the FICA, Medicare and Workers Compensation is approximately \$7,000.00. Interim City Manager Miller explained that essentially if the Allies pay the City \$3,000.00 it would pay them up through the end of the Agreement obligation and at that point a new agreement can be negotiated or go back to volunteers. For now the Council needs to budget appropriately to have funds available for whichever decision is made.

City Clerk Jines informed Council that it was her understanding that the employee was under the direction of the Cultural and Leisure Services Director; and the Allies' representatives would work through the Cultural and Leisure Services Director in providing assistance with the operation of the Sallows Museum. Mr. Hempel was assured by the previous City Manager that as long as the Allies were contributing the funds to pay the employee they would have authorization over the museum employee. He also said that he knows that ultimately the Allies

August 19, 2010

and the employee answer to the Cultural and Leisure Services Director. Mr. Hempel advised Council that the current employee needs very little supervision and that the day to day operation of the museum is guided by the Allies. When big things come up the Cultural and Leisure Services Director has the last word.

Councilman Kusek voiced his opinion that the facility is a City museum, run by a City employee that answers to a City Department Head, and that the City is obligated to keep it running. Mr. Kusek stated that as an employee of the City of Alliance, the same guidelines apply with regard to wage raises. He also suggested that the agreement be re-written to change the dates to coincide with the City's fiscal year. Mr. Kusek asked Mr. Hempel if he would be averse to charging a small fee to enter the museum. Mr. Hempel is against an entrance fee and would rather attempt to raise additional funds. He feels that the Sallows Military Museum is a draw for the community and does not feel right about charging admission. Mr. Kusek said that as long as the Allies continue contributing money each year, he would not have a problem not charging admission. Mr. Hempel advised Council that approximately \$250.00 - \$300.00 per month is deposited monthly through donations although there have been times that large single donations have been made.

Mr. Miller advised Council that a revenue amount of \$3,000.00 and an expense amount of \$7,000.00 would need to be noted for the budget.

Motion by Councilman Kusek, seconded by Councilman Feldges to amend Ordinance No. 2665 reflecting the line item for donations for the Sallows Military Museum (01-71-78-38-801) be changed to \$3,000.00 and Sallow's Salaries (01-71-78-41-121) changed to \$6459.00; Sallow's FICA (01-71-78-42-211) changed to \$401.00; Sallow's Medicare(01-71-78-42-21) changed to \$94.00; and Sallow's Workers Comp. (01-71-78-42-213) changed to \$26.00.

Roll call vote on the amendments with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

Motion by Councilman Kusek, seconded by Mayor Yeager to amend Ordinance No. 2665 by setting the MFO tax levy at .03395.

Roll call vote on the amendment with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

August 19, 2010

Motion by Councilman Kusek, seconded by Mayor Yeager to appropriate \$50,000.00 from Unrestricted Retained Earnings in the Water Department and move into line items for a full-time Water employee which will leave approximately \$3,500 for temporary help.

Roll call vote on the amendment with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

Electric Superintendent Larry Heinrich addressed Council indicating the proposed expenditure of \$1.6 million is to replace a transformer and remove the metal clad switch gear to handle rolling black outs which is all part of the Generation Facilities improvements plan. The original intent was to improve 10th Street and Broadwater Substations first and then Cody Generation. Now that the Cody transformer needs replaced, the order of priorities will need to switch to avoid taking the transformer down an additional time. Mr. Heinrich and Community Development Director Houck indicated there may be some federal stimulus grant funding available. Councilman Kusek directed them to find out what a 1-Megawatt wind turbine would cost.

Motion by Councilman Kusek, seconded by Councilman Benzel to amend Ordinance No. 2665 by adding \$1,600,000 in the Electric Fund for the repair or replacement of the Cody transformer which will change System Contingency (05-51-53-47-791) from \$80,000 to \$1,680,000 and From Retained Earning (05-51-50-39-992) from \$659,015 to \$2,219,015..

Roll call vote on the amendment with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

Roll call vote on the second reading of Ordinance No. 2665 as amended with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was Resolution No. 10-98 regarding Ballot Language for the Economic Development Plan.

August 19, 2010

Mayor Yeager stated, “Now is the date, time, and place to conduct a public hearing on the proposed Revised Economic Development Plan.” Mayor Yeager opened the public hearing at 8:26 p.m. Hearing no testimony, the public hearing was closed at 8:27 p.m.

Motion by Councilman Kusek, seconded by Councilman Feldges to approve Resolution No. 10-98 which follows in its entirety:

RESOLUTION NO. 10-98

WHEREAS, Cities of the first class may, pursuant to §18-2701-2738 R.R.S. 2007, adopt economic development programs, and fund such programs with local option sales tax revenues; and

WHEREAS, The proposed “Alliance Economic Development Plan” has been prepared, and presented to the City Council of Alliance, Nebraska, for adoption by the City; and

WHEREAS, A public hearing has been held on August 19, 2010, regarding the proposed Alliance Economic Development Plan; and

WHEREAS, the City Council of Alliance, Nebraska, finds that the proposed Alliance Economic Development Plan contains the elements required by §18-2710 R.R.S. 2007, will provide the opportunity to assist business enterprises in the community, and is in the best interests of the community.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, as follows:

1. The proposed “Alliance Economic Development Plan” a nine page document consisting of eleven sections, is hereby adopted by the City of Alliance, for presentation to the voters, and is incorporated into this Resolution by reference.
2. The “Alliance Economic Development Plan” shall be presented to the voters of the City for approval pursuant to Section 18-2713 R.R.S. 2007 at the general election to be held on November 2, 2010, by means of the following ballot language:

Shall the City of Alliance establish an economic development program as described here by appropriating annually from local sources of revenue a maximum of \$200,000 for ten years?

- Yes - (for the tax to support economic development)
- No - (against the tax to support economic development)

The goal of the Alliance Economic Development Plan is to provide jobs above minimum wage to the citizens of Alliance.

August 19, 2010

Qualifying businesses will be eligible for grants, technical and marketing assistance, location expenses, equity investment, loans, job training, and other forms of assistance to the operation and expansion of businesses as allowed by law.

Qualifying business must derive their principal income from manufacturing, research and development, processing, storage, transport, sale of goods, commodities or services in interstate commerce, telecommunications, housing construction or rehabilitation, retail trade, and tourism.

The Alliance Economic Development Plan will be in existence from April 1, 2012 to March 31, 2022.

The source of funding for the Alliance Economic Development Plan is a proposed local option sales tax. The funds would be collected from April 1, 2012 to March 31, 2022. The total amount to be collected for the program from local sources of revenue is \$200,000 annually.

The City does not propose to issue bonds pursuant to the Local Option Municipal Economic Development Act to provide funds to carry out the Economic Development Plan.

Additional funds from other non-City sources will be sought beyond the sales tax.

3. A copy of this Resolution and the proposed plan shall be filed with the City Clerk who shall make it available for public review at City Hall during regular business hours.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzal, Feldges.

Voting Nay: None.

Motion carried.

- Resolution No. 10-99 authorizing the City of Alliance to enter into an Agreement with the Nebraska Cooperative Government to conduct a Keno Lottery within the City of Alliance was the next order of business.

Motion by Councilman Kusek, seconded by Councilman Feldges to approve Resolution No. 10-99 which follows in its entirety:

RESOLUTION NO. 10-99

August 19, 2010

WHEREAS, The voters of the City of Alliance authorized the City of Alliance to operate keno lottery under the Nebraska County and City Lottery Act for the purposes of community betterment; and

WHEREAS, The City of Alliance went out for bids to examine the potential of a new keno operator; and

WHEREAS, The City receive no bids for a new keno operator; and

WHEREAS, The Council believes it is necessary for the best interest of the City of Alliance to provide for the health, welfare, safety and public morals of its population; and

WHEREAS, A proposal from the Nebraska Cooperative Government was received; and

WHEREAS, The City of Alliance desires to engage in a program of community betterment as defined in Neb. Rev. Stat. § 9-604; and

WHEREAS, The Council has determined that to operate an effective lottery, dedicated management is necessary and the benefits of operating a lottery in conjunction with other communities in an Interlocal Agreement is necessary and desirable; and

WHEREAS, A copy of the Nebraska Cooperative Interlocal Agreement, as revised and approved as to form, has been provided to the City of Alliance, and its terms are agreeable to the City of Alliance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance does hereby elect to become a party to the Nebraska Cooperative Government Interlocal Agreement and by these presents agrees to be bound to the same extent at the original party hereto and shall be entitled to the rights and privileges hereunto appertaining.

BE IT FURTHER RESOLVED that the Mayor of the City of Alliance is hereby authorized to execute said Interlocal Agreement on behalf of the City of Alliance.

BE IT FURTHER RESOLVED that the Nebraska Cooperative Government shall be responsible to conduct a keno lottery within the City of Alliance pursuant to the proposal dated August 6, 2010, a copy of which is included in the Council packets.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

August 19, 2010

- The next item for Council's discussion was Resolution No. 10-100 regarding options for the Water Well Field Conservation Reserve Program.

Motion by Councilman Benzel, seconded by Councilman Feldges to approve Resolution No. 10-100 which follows in its entirety:

RESOLUTION NO. 10-100

WHEREAS, The City of Alliance owns municipal water well fields; and

WHEREAS, To protect the water, there are restrictions on the herbicides and pesticides that can be used on the land; and

WHEREAS, The City currently has part of the well field land under a Conservation Reserve Program (CRP) and one of the ten year CRP contracts expires in 2010; and

WHEREAS, Under the current rules the City of Alliance cannot make application for a CRP contract without having a tenant on the land; and

WHEREAS, The staff believes that to obtain a tenant, the City is required by law to go out for bids; and

WHEREAS, There is not sufficient time to let bids and select a tenant before the expiration of the CRP application deadline; and

WHEREAS, The City staff is recommending that in order to maximize income potential, Council consider going out for bids on grazing or haying leases in 2011 and then examining whether the following year the City should let bids for a tenant on all of the well field land and make a joint application with the successful tenant for a CRP Contract.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that staff is directed to go out for bids for a short term summer grazing or haying lease on the well field properties whose CRP contract expires in 2010.

BE IT FURTHER RESOLVED that in 2011 staff shall present to Council the options with regard to continuing the haying or grazing lease or to make application for a CRP contract for the following years.

Water Superintendent Mike Hulquist advised Council that the City does not automatically qualify to participate in the CRP Program. He also stated that currently the City is the sole tenant of the South Well Field. He attempted three months ago to obtain a full CRP contract on the North Well Field knowing that the lease was expiring this year and was told that governmental entities can no longer be a tenant.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Feldges.

August 19, 2010

Voting Nay: Benzel.

Motion carried.

- The next item on Council's agenda was Resolution No. 10-101 appointing M.C. Schaff & Associates of Scottsbluff, NE as the Alliance Municipal Airport Planning Consultant.

Motion by Councilman Feldges, seconded by Councilman Kusek to approve Resolution No. 10-101 which follows in its entirety:

RESOLUTION NO. 10-101

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

WHEREAS, The Nebraska Department of Aeronautics requires that the Alliance Municipal Airport select a planning consultant who will serve for a period of five years; and

WHEREAS, The City's contract with the current five year planning consultant, M. C. Schaff & Associates has expired; and

WHEREAS, The City issued a Request for Qualifications for a planning consultant services for a five year period of time; and

WHEREAS, Those Requests for Qualifications were opened on June 10, 2010 and publically opened and read; and

WHEREAS, An evaluation team reviewed the proposals and made their recommendation; and

WHEREAS, The Mayor and City Council agree with the recommendations of staff.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that M. C. Schaff & Associates of Scottsbluff, Nebraska, be selected as the Alliance Municipal Airport's five year planning consultant.

BE IT FURTHER RESOLVED that staff shall notify M. C. Schaff of their selection as the Alliance Municipal Airport five year planning consultant.

Roll call vote with the following results:

Voting Aye: Kusek, Benzel, Feldges.

Voting Nay: Yeager.

August 19, 2010

Motion carried.

- Resolution No. 10-102 awarding the Alley Rehabilitation Project to K. L. Wood & Company of Alliance, NE in the amount of \$45,000.00 was the next matter before Council.

Motion by Councilman Kusek seconded by Councilman Feldges to approve Resolution No. 10-102 which follows in its entirety:

RESOLUTION NO. 10-102

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

WHEREAS, Staff determined that the alley in the 300 block east and west between Cheyenne Avenue and Laramie Avenue is in need of rehabilitation; and

WHEREAS, Staff issued a Concrete Alley Rehabilitation Invitation to Bid, which included additional bid cost for the 300 block east and west between Cheyenne Avenue and Laramie Avenue; and

WHEREAS, The lowest and responsive responsible bidder was K. L. Wood & Company of Alliance, Nebraska; and

WHEREAS, Council has determined it is in the best interest of the City of Alliance to proceed with the work.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the replacement of the alley in the 300 block east and west between Cheyenne Avenue and Laramie Avenue bid shall be awarded to K. L. Wood & Company of Alliance, Nebraska in an amount not to exceed Forty Five Thousand and no/100ths Dollars (\$45,000.00).

BE IT FURTHER RESOLVED that Eric Lenz, Public Facilities Director, shall have the authority to make in the field change orders not to exceed Five Thousand and no/100ths Dollars (\$5,000.00).

BE IT FURTHER RESOLVED that staff shall notify the successful bidder so that construction can commence.

Motion by Councilman Kusek, seconded by Councilman Feldges to table consideration of Resolution No. 10-102 until the next Council meeting.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

August 19, 2010

Voting Nay: None.

Motion carried.

- The next item to be discussed by Council was Resolution No. 10-103 awarding two paving projects to Peltz Construction of Alliance, NE.

Motion by Mayor Yeager, seconded by Councilman Benzel to approve Resolution No. 10-103 which follows in its entirety:

RESOLUTION NO. 10-103

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

WHEREAS, Staff determined that the driving lanes on Laramie Avenue, from 12th Street to 14th Street, are in need of replacement and that the merge lane at Highway 2 and Highway 87 needs to be rebuilt; and

WHEREAS, Staff issued a Concrete Alley Rehabilitation Invitation to Bid, which included additional bid cost for Laramie Avenue from 12th to 14th Street driving lanes and the merge lane at Highway 2 and Highway 87; and

WHEREAS, The lowest and responsive responsible bidder was Peltz Construction of Alliance, Nebraska; and

WHEREAS, Council has determined it is in the best interest of the City of Alliance to proceed with the work.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the replacement of the Laramie Avenue driving lanes from 12th to 14th Street bid shall be awarded to Peltz Construction of Alliance, Nebraska in an amount not to exceed Sixty Thousand and no/100ths Dollars (\$60,000.00).

BE IT FURTHER RESOLVED that the bid to rebuild the merge lanes at Highway 2 and Highway 87 shall be awarded to Peltz Construction of Alliance, Nebraska, in an amount not to exceed Thirty Five Thousand and no/100ths Dollars (\$35,000.00).

BE IT FURTHER RESOLVED that Eric Lenz, Public Facilities Director, shall have the authority to make in the field change orders not to exceed Five Thousand and no/100ths Dollars (\$5,000.00).

BE IT FURTHER RESOLVED that staff shall notify the successful bidder so that construction can commence.

Roll call vote with the following results:

August 19, 2010

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was Resolution No. 10-104 approving a Program Agreement for the Street Project-Emerson Avenue – 18th to 25th Streets with the Nebraska Department of Roads.

Motion by Councilman Benzel, seconded by Councilman Kusek to approve Resolution No. 10-104 which follows in its entirety:

RESOLUTION NO. 10-104

WHEREAS, The City of Alliance is proposing a transportation project for which the City would like to obtain Federal funds; and

WHEREAS, The City of Alliance understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-Aid Project; and

WHEREAS, The City of Alliance and the Nebraska Department of Roads (NDOR) desires to enter into a Project Program Agreement setting out the various duties and funding responsibilities for the Federal-Aid Project; and

WHEREAS, The City Council believes it is in the best interest of the City to enter into a Project Program Agreement with the Nebraska Department of Roads; and

WHEREAS, The City of Alliance has funds in the budget for the City of Alliance to provide local funds for the project as required by the Project Program Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is hereby authorized to sign a Project Program Agreement between the City of Alliance and the Nebraska Department of Roads.

BE IT FURTHER RESOLVED that the City of Alliance is committed to providing local funds for the project as required by the Project Program Agreement.

BE IT FURTHER RESOLVED that the Nebraska Department of Roads

Project No.	URB-6255(3)
Control No.	51450
Name	Emerson Avenue, 18th to 25th Street, Project Agreement

August 19, 2010

is adopted by the City Council.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- The last item on Council's agenda was an Executive Session to discuss City Manager Candidate Selections.

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 City Manager Candidate selections. The motion was seconded by Councilman Feldges.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

The closed session began at 9:10 p.m. and ended at 10:55 p.m.

- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 10:55 p.m."

Ralph Yeager, Mayor

(SEAL)

Linda S. Jines, City Clerk